



**REGULAR COMMON COUNCIL MEETING
DECEMBER 6, 2010
7:00 P.M.**

Regular Meeting	The Regular meeting of the Common Council of the City of Middletown was held in the Council Chamber of the Municipal Building on Monday, December 6, 2010 at 7 p.m.
Present	Mayor Sebastian N. Giuliano; Council Members: Thomas J. Serra, Vincent J. Loffredo, Ronald P. Klattenberg, Philip J. Pessina, Gerald E. Daley, Joseph E. Bibisi, Robert P. Santangelo Hope P. Kasper James B. Streeto, Grady L. Faulkner, Jr., Deborah A. Kleckowski, David Bauer; Corporation Counsel William Howard, Sergeant-at-arms Acting Chief of Police Patrick McMahon; and Common Council Clerk Marie O. Norwood.
Also Present	Seventy-five members of the public
Meeting Called to Order	The Chair calls the meeting to order at 7:00 p.m. and asks Boy Scout Troop 41 to lead the public in the Pledge of Allegiance.
Call of Meeting Read	<p>The Call of the meeting is read and accepted. The Mayor declares this call a legal call and the meeting a legal meeting.</p> <p>The Chair asks Mr. Nesci to come forward and tell the Council and public about Troop 41. Mr. Nesci responds he is assistant Scout Master of Troop 41 from St. Maryis of Czystochowa and they are honored to be here and lead the public in the pledge of allegiance. These young men are in beginning or intermediate stages of becoming Eagle Scouts and are working on their citizenship badge and they need to attend a community meeting. They will discuss what happens here at their regular Scout meeting. He thanks the Council for their time. The Chair states they are glad to have them this evening.</p>
Motion to Accept Agenda	The Chair states he will entertain a motion to accept or amend the agenda. Councilman Serra moves to amend the agenda by substituting agenda item 10-11, an ordinance amending Section 214-40; substituting agenda item 10-13 a resolution for establishing the recreation fees; and moving agenda items 10-1 and 10-2 as the next item on the agenda. Councilman Pessina seconds the motion. The Chair states the motion is in order and calls for discussion. Hearing none indicated, he calls for the vote. It is unanimous to approve with twelve aye votes. The Chair states the motion passes unanimously and the agenda is adopted as amended.
<u>Agenda Item</u> Description	<u>10-1</u> Resolution <p>Chair recognizes Councilman Serra for agenda item 10-1. Councilman Serra states he would like to move it for approval and then read it for the members of the public. Mr. Faraci's family comes forward.</p>
Noted for the Record	<p>Corporation Council William Howard takes his seat at 7:06 p.m.</p> <p>Councilman Pessina seconds the motion. Councilman Serra states he has known Flash for 50 years and got to know him first as the 1948 team; his uncle played on that team. He was a great athlete and he was in government as a police officer. He was a top of the line police officer. He was also a great friend. The number one thing is, he cared for his family. He will be sorely missed and by giving you this plaque (it is handed to Mrs. Faraci), it shows you how much we respected him and miss him as well.</p> <p>Councilman Pessina states Captain Faraci was one of my mentors during my 33 years in the Department. He cared and loved our community and one of things he always told me is you interact positively and care about the citizens you serve. After he retired, he handed out guardian angel cards and the many interactions I had, I never heard a bad word come out of his mouth against anyone. He accepted decisions and moved on. He was a model police officer. We had some great leadership and he was second to none. That is what it is about being a public servant in Middletown.</p> <p>The Chair asks how many people have Flash's guardian angel cards. Many members of the public raise their hands. His class held two mayors, Tony Marino and Buddy Sbona and my Mom. Flash is someone we were all proud of and he was held in a special place in our hearts.</p>

Councilman Serra adds one more comment; the last year or so Flash called me many times to learn a phrase. “Yesterday is history; tomorrow is a mystery; and today is a gift. That is why we call it the present.” Flash said it everyday.

The Chair states the motion carries by affirmation.

Resolution No.
File Name
Description
(Approved)

148-10
ccfaraciinmemoriam
In Memoriam of Salvatore “Flash” Faraci

WHEREAS, Salvatore “Flash” Faraci, husband to Sandra Faraci and father to Rochelle Vilaba and Gary Faraci and grandfather to Dylan, Christina, and Gabriel died unexpectedly on November 9, 2010; and

WHEREAS, Flash was a retired Captain of the Middletown Police Department. He began his law enforcement career in Middletown in 1959 as a Supernumerary Police Officer, becoming a regular officer in 1960. Captain Faraci was proud to represent the City of Middletown and to be part of the Middletown Police Department. He was responsible for organizing and designing the Detective Bureau at the Police Station on Church Street and was responsible for the first, complete identification section in the Department. Captain Faraci had the distinction of being the first Middletown Officer whose testimony on fingerprint identification was accepted in Court as an expert. He found his career rewarding; and in the community, as a Middletown Police Officer, he was well-known and respected; and

WHEREAS, Flash enlisted in the United States Marine Corps, serving during the Korean Conflict, and was honorably discharged; and

WHEREAS, he attended Santa Rosa Junior College in California and was inducted into the Santa Rosa Junior College Sports Hall of Fame; and

WHEREAS, he was born and raised in Middletown, a graduate from Middletown High School, where he lettered in both track and football. He was inducted into the Middletown Sports Hall of Fame; and

WHEREAS, Flash lived his life unselfishly, with care and concern for the people around him. His regard for his fellow man made him one of the finest husbands, fathers, friends, Police Officers and Soldiers that there are.

NOW, THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That on behalf of the citizens of Middletown, we offer our condolences to Flash Faraci’s family. His dedication to Middletown, his hometown, will be sorely missed as well his counsel to his family and friends and his caring attitude to the everyone around him.

Agenda Item
Description

10-2
Resolution

Councilman Bauer is recognized for item 10-2. Council Bauer states he is pleased to offer Wesleyan WESU University radio station and its staff this resolution. This radio station projects itself north beyond Connecticut and through Central Connecticut. He reads the resolution and moves it for approval; his motion is seconded by Councilman Loffredo. The Chair states without objection, it is adopted unanimously.

Carolyn Connors, Wesleyan senior and President of WESU comments on her experience. When she got to college, she wanted to do radio. After researching WESU, it was the right fit and it was the right choice. What has made her experience unique is the community aspect of what we do. Others don’t have the day to day interaction with Middletown. It has solidified her experience as a student and DJ and board member. Her experience working at the station has benefited from what WESU has offered her. She values all the community members she has met and worked with. We are broadcasting at 6,000 watts and the product and service we provide, we are proud of. Thank you. Brian Sparrow is the programmer at the Station and a resident of Middletown. He thanks the Council and Mayor for this recognition. They serve the Middletown area as well as the students with a creative outlet for expression and a resource. They are proud to work with the youth of Middletown, with one of the oldest broadcasting stations in the U.S. We appreciate the ability to provide a service to Middletown and thanks everyone for the formal recognition.

The Chair states they do it all; the music and interview shows. Like Councilman Bauer says, tune in, you won’t be sorry.

Resolution No.
File Name
Description

(Approved)

149-10
CC2010wesu71anniversary.doc
Congratulating Wesleyan University, WESU, Radio Station, its Staff and volunteers for their commitment and contributions to the University, City of Middletown, and surrounding communities.

Whereas, two Wesleyan students began transmitting an AM Radio signal from Clark Hall in 1939, using the building's water pipes as an antenna. The unofficial radio signal was spread further around the campus through Wesleyan's utility pipes. By 1941, expansion needs required above-ground wiring, and the Wesleyan president helped the radio station obtain official status and the call letters, WES; and

Whereas, WES was becoming a popular local station and University activity, a formal studio evolved, piece by piece from student donations, in the basement of Clark Hall. In 1950, the FCC mandated a call sign change to WESU. The radio station also went above ground with a transmitting antenna atop the Science Building; and

Whereas, WESU became a cultural staple on campus and the surrounding Middletown community, forging a solid reputation for eclectic, independent music. With the evolving FCC regulations and the emerging FM technology, WESU developed into an FM Station at 88.1 on the dial, while students could still receive an AM signal in University dorms well into the 1970s; and

Whereas, in the next three decades, WESU strengthened its reputation as an independent, free-form format radio station, while the value and liabilities of a low-power college radio license increased. In 1999, WESU broadcast studios were moved from Clark Hall to the 2nd floor of 45 Broad Street. In 2003, Wesleyan University took ownership of the license, and created a new hybrid format with 50 hours of NPR programming from WSHU in Fairfield, complimented by additional news and public affairs programming from Pacifica and independent sources with the balance consisting of local shows hosted by Wesleyan Students and community volunteers; and

Whereas, WESU is celebrating its 71st Anniversary with a new transmitting antenna on the Exley Science Center and has upgraded its broadcasting power to an effective 6,000 watts. The WESU signal now covers central Connecticut from Long Island Sound to the Massachusetts border. WESU continues to increase its public service to the greater Middletown community.

Now therefore, be it resolved, by the Common Council of the City of Middletown: That the City of Middletown congratulates Wesleyan University, WESU and its staff, and the 100 plus Wesleyan student and community volunteers, on their 71st anniversary, and WESU's continued commitment to serving the University, the City of Middletown, and the surrounding communities in Central Connecticut; and

Be it further resolved: That in appreciation for WESU's contributions to the City of Middletown, that we urge all residents to continue their support for WESU by tuning in 88.1 on their FM dial.

Agenda Item	4
Description	Approval of Minutes

The Chair states we will move to item 3 and requests a motion to approve the minutes of the regular Common Council meeting of November 1, 2010 at 7 p.m. meeting; Special Meetings of November 1, 2010 at 6 p.m., November 9, 2010 at 6 p.m. and November 9, 2010 at 7 p.m. having been deposited with the Mayor and Corporation Counsel and copies of the same having been served on each and every Council Member, the reading of the same having been dispensed with, Councilman Klattenberg moves them for approval and is seconded by Councilman Streeto. There is no discussion. The Chair calls for the vote. Councilman Faulkner states he abstains from the vote on the special meetings held on November 9 at 6 and 7 p.m. The Chair states you are abstaining from everything on November 9. The Chair states are there any others. Seeing none and no discussion indicated, he calls for the vote. There are no nay votes. The Chair states the matters pass with the abstention noted (Councilman Faulkner for November 9, 2010)

Agenda Items	4 and 5
Description	Public Hearing Opens

The Chair opens the public hearing at 7:30 p.m. on any item on tonight's agenda. He reminds everyone that there is a five minute rule.

Joe Milardo is the legal advisor to St. Sebastian's church and will handle the closing if the Council approves the items on the agenda. Rather than have a lot of people to come up one at a time, he asks all those who are urging the Council to support the Mayor of accepting the deed and purchasing the school to please stand up; about 30 people stand. We are urging the City to purchase it for several reasons. First it is for sale. Connie Didato noted that you have a depression mural painted on the wall by one of the McCutcheon family. You can't remove it and it would be good of the City to take it over. Additionally there are tiles maintained from when it was a grammar school. They are ceramic tiles around all the fireplaces. It is historically significant. They have kept it in good condition. They traded it for the Green St. School. Unfortunately the cost of private school it became difficult to maintain it. We offered it to the City first and it has been on the market for a year. Then some very pronounced interest became aware of by our realtor and we began negotiations with the City again. He knows of no reason as a taxpayer why the City should not enter into this agreement. The building is necessary because of need for space at City Hall and the expanded need for a senior center. I am here to answer any questions you may have. I will answer any legal or technical questions you may have. He is acting as a conduit for information about the school.

Matthew Fraulino representing the Chamber speaks on behalf of the Chamber and they enthusiastically support the acquisition of the former St. Sebastian School as senior center, veterans museum and substation for police. We are interested in promoting a healthy community and a senior center and veterans museum will change the quality of life for two segments of our population. We feel investment equals stability and will bring strength to our business community at large.

Geraldine Francis speaks to the purchase of the St. Sebastian school. She is against the use of CDBG funds. She is aware that the current senior center is inadequate for the current and expanding seniors in Middletown. Cutting CDBG funds to one organization will impact that organization. Think of the Russell Library. It is the heartbeat of the community. Should the Russell Library funds be reduced, it will affect the job and career programs. Is that what you want for the citizens. CDBG funding realizes good results. She would like a bigger senior center and a military museum would be a splendid addition to the community. However, unless other revenue sources can be obtained, now is not the time. We have to have necessities and we may have to wait awhile for a renovated or new facility. To act now would cause more harm to the Middletown populace.

Carolyn Shaw resident for 40 years and during that time, she has been active in the City. She is in her 12th year as a Board of Trustee member of the Russell Library and in the resolution, a possible source of funding would be CDBG grant funds. It concerns her. She would hope they would not be used in this way. The Library has had funding numerous times for plant work and programs. Currently it is used for the Jobs Program. Russell Library Jobs programming were presenters with another library. In the past six months, the Library has received a notes of gratitude for this program. She reads a few notes from participants from the program.

Todd Birch, Country Club Road, states why am I here and how did I get here. I am here about the senior center. I am here tonight to state for seniors that this is a contentious issue, no matter what we do. How we go about it is important. You got here because you were elected and it should be your charge to make the decision and the people sitting before me do not have the authority to do it and it should go to referendum and be resolved by the citizens of Middletown. This is too much of an issue and it is a rift torn in the City. There is too much division with those making the decision. I believe it should go to referendum and your charge to do so.

Daniel Russo addresses three resolutions. 10-1, in memory of Salvatore Faraci, and commends the Council for recognizing him. When he first gave me an angel card, it brought tears to my eyes because my grandfather did the same thing. He brought many smiles to Middletown and he will be sorely missed. Agenda item 10-14, he supports the resolution and the change in schedule will incur additional financial burden and thinks it should be carefully considered. He reviewed the information in the paper and elsewhere and a reduction in days will result in the requirement of replacement overtime hours. Shortening the time obligation in the calendar year is an increase in the hourly rate. The City cannot afford it at this time. He will support 10-14. On agenda item 10-5, my wife and I in over 20 years living in Middletown have supported and voted for every referendum question supporting a senior center. This issue should go to referendum. It is a significant financial undertaking and depending on which story you want to accept, it can be a \$4 million, \$2.5 million, or \$1.7 million, or the latest, that it will be done free. \$800,000 is greater than \$750,000 which is the threshold for a referendum and whether it comes from previous bonds that were redeemed, but in prior instances such premiums have been used to reduce the mill rate. I don't think it is appropriate to take the \$800,000 to do something other than reduce the mill rate or reduce the indebtedness without the approval of the taxpayers. This project will cost more than that \$800,000 and if you utilize all CDBG funds and LoCIP, it will affect many other organizations in the community. You have heard from people with concerns about the Russell Library. You may hear from others that their source of funding will disappear. Thirty years ago David Stockman admitted that federal budgets were done with smoke and mirrors. We need a senior center and one that will last more than ten years. He watched the workshop and this might serve the seniors needs for 10 or 15 years. I think that is generous. Will we have to do a new one in ten years? Why not do it properly now and do a referendum and build one for more than ten years. Even if you want to use this building, let the taxpayers express their opinion through a referendum.

Lydia Brewster speaks for St. Vincent dePaul and she is not here to speak for or against the senior center, but to ask that the Council think carefully before using block grant money for funding this project. She is reminded of the many times she sat in line to deliver her 5 minute speech for an

organization she represented. Middletown is not a City that has a Hartford foundation for public giving. It is difficult for the social service organizations; they will be sorely missed if they cannot provide services that are needed. CDBG or a reduction of that money will impact those organizations that are critical to the well being of the people.

Lisa Santangelo, resident, addresses agenda item 10-5. As a taxpayer and senior resident and wife of a Vietnam veteran, she attended the workshop. As a result of the workshop and ensuing news coverage and research, she has questions. She states the last time city hall was reorganized was 1993 and its utilization has changed. It has linked departments and we should continue this effort. Information that can be put on the website should continue and it would be essential to look at all the departments and can we eliminate the storage since the access information by can be by PC; did we get rid of all records that we can. If we reduce and recycle, you may find that Park and Recreation can be moved back to City Hall. We have schools that could provide conference rooms. The senior center, as a senior, she has found wonderful activities; Park and Recreation has exercise programs. We have places to walk. There is music and theatre offerings at Wesleyan and they are not dependant on a center. A group of senior men were interviewed of what they wanted and it was meals and trips out of town and they wanted programs for men. They wanted a downtown location to walk to other venues. These requests are not addressed in this plan. The Veteranis museum. We should have one and it should be located at Veterans Park where there is room for expansion and parking. One comment overheard was about parking is taking over the street. CDBG and LoCIP funds; the estimated cost is \$2.5 million and two years of CDBG and LoCIP and there is no discussion of what we will not fund with those dollars. Our most vulnerable people use these funds. One agency was considering asking for funds to upgrade for a youth center; what happens to that request. The State is looking at shortages and will they fund our buildings. She asks they relook at expending our dollars and funding the center and museum at Veterans Park.

Ron Organek, President of the Military Museum. He does not want the museum placed in the middle of a debate but they need a place that is heated and air conditioned. He discusses the history and the purchase of the Armory and they have been looking for a place to display their items. The purchase of St. Sebastian School could be used for a museum. It was formerly Eckersley Hall, a veteran. We are looking at the museum as a library and research facility so they can work with the students in the area. We have the history of all the veteranis monuments in the area and those not built. We have the biographies of some of the figures of their time, like Comfort Sage; Joseph Mansfield and General Maurice Rose. At the time of General Sage, Middletown covered Cromwell and Portland. General Mansfield was killed at Antietam in the Civil War and General Rose in the Battle of the Bulge, WW II. He would like the museum to give classes about the military history of Middletown and they canit do it at the Rand building. This would be a place to honor veterans.

Barbara Mc Cauliff states for the last 12 years, she has worked with seniors in Cromwell and is aware of the local senior center. She went to other senior centers and saw wonderful programs and wonderful resources. Her concern is we will buy the building and not put enough thought into how we will provide for the seniors. Currently we service a small population. It would be unfortunate to spend money that doesnit serve the seniors. As the number grows it will be sad that in 10 years the center will not serve the seniors. Her greatest concern is that the center will not be viable. They want to go out and keep experiencing the world. They donit want to be departmentalized and would like to see a center that would meet those new challenges.

Ron Borrelli speaks in support of the senior center. This is the closest we have gotten and it is time the seniors and veterans get back from their community that they supported for all of their lives. Put aside the politics. If the City canit pull itself together to build a community center with volunteers, it may not be a city I want to live in.

Joan Liska states she is a 54-year member of the American Legion Auxiliary and she is supporting any services we make available to veterans. She is approaching the age to be a senior and she is interested in what is available for seniors. It comes down to timing and the right venue. We are in economic difficult times and we have an unemployment rate of 7.7% so the burden on taxpayers will be heavy and especially for those unemployed and we need to look carefully at how we will pay for such an operation. She finds herself in support of Dan Russois position that the voters should have the opportunity under these conditions to see if we can afford the dollars. She does feel that the federal and state governments do not have the extra

money for the City of Middletown when they have so many other priorities to deal with. She would encourage the Council to think carefully that we don't know how much this project will be and some people think that the location is not right for what the City is trying to achieve. A first class senior center is wonderful; let's give them, when the timing is right, a first class operation and do it in a fiscally responsible way for the community.

Mr. Caracoglia supports the acquisition for the seniors. He is close to the age that the center would be beneficial to all of us. Reading today's Press, he took offense of the letter by Mrs. Kasper that she wrote. How could she justify to a senior and he reads from the letter. He states one thing is, it is a scare tactic. This Mayor is one of the best Middletown has had other than Buddy Sbona. He tries to eradicate corruption in the City and will not be 100%. If he eradicates 30% that is good. He reminds Mrs. Kasper that there was a person here Mr. Russo that was going to say we should have a referendum. Whenever we have a referendum, the Democrats take control and we have sky-rocketing taxes. We had a referendum to build a new high school. It was first \$91 million; they went to \$79 million. After that, somehow it was requested to be \$91 and then to \$120 million. How come you didn't worry about raising taxes. It was all you democrats that increased the taxes. It was all the democrats that didn't help Main Street, but Wall Street. It was all the democrats who canceled the fireworks when citizens looked to enjoy them. Then you wasted \$246,000 for a building permit to Mark Masselli. You waived those fees when you could have used those fees to pay for the fire works. It was all the democrats last November at a special meeting for \$100,000 or \$76,000 to put up lights for a disability pathway at Middletown High School. The City hired a company and they are actually employing illegal aliens. The Chair states your five minutes are up. Mr. Caracoglia states just a few more. They don't pay taxes at all. Why the companies are given the work while they are employing illegal immigrants instead of giving jobs to locals.

Mike Rogalsky, resident since 1968. He is a veteran from the Vietnam era. He is in favor of the purchase of St. Sebastian School. He has been attending a lot of meetings and one of the things he will say is that he is impressed with the questions asked by Council members. He is very impressed at Bill Warner at the presentation about doing his job and coming up with a possible plan to make this work. He is not saying it is the perfect plan and thinks there has to be tweaking. For Middletown and its seniors, I believe his plan is one of the best and it is not free; it will cost but it is doable. As far as spending the \$800,000 for 15 years, but did we have the High School for 15 years before it was going down. It was built for the future. Futures change. Will this purchase be the best thing; maybe or maybe not but for the price we are able to obtain it and the possibility of the funding so that it will cost no tax increases, he is all for it. It is an ideal location. He read the article that was written and the comment about busses and having to change busses. Unless you are on the C route, that doesn't cover many senior areas. That is not the issue. To come to the senior center now, they would have to switch busses. Mr. Cheeseman is in favor of having the bus turn one block earlier to go past the school. In my opinion, things are falling in place to make this a workable plan. They could have more programs and he urges the Council to take a good look at this for the seniors and approve it tonight.

Name Inaudible represents the Connection and they want to lend their support and improving the programming of the senior center. But regarding the CDBG, that funding be reduced and not eliminating other organizations and programs that use CDBG funds to improve their facilities and programs. We will do what we can as an agency for this to become a reality and they would not mind not having CDBG funding for one year, but two would be difficult.

Jeannie Dypa states they have lived in Middletown 54 years; they have 4 children and sent them to local schools by choice. They would like to see the senior center built as proposed. She would like to go for socializing and some exercise and other things she would like to do. She wanted to join programs at the senior center, but there is no place to park and I have difficulty walking. The question today is space on Main Street or a better location. If there was something on Main Street they would pay an astronomical price and where would we park. Vets Park is a wonderful location, but are we ready to spend \$15 to \$20 million. It would be ideal but at this time we have bond issues and we are paying off the high school. There was an issue in the newspaper saying about the lead in the school. I grew up in Brooklyn in a tenement and we had lead. I am 76 years old and the lead did me no harm. If there is lead at Eckersly Hall the seniors won't touch it or eat it. She supports the senior center at Eckersly Hall.

Claude Hendrickson, President, AARP Chapter; there are two that have monthly meetings. They have over 200 members and we meet at St. Pius and we pay rent. There is another chapter that met there and they had over 400. We do a lot for the community. We support the food bank; we donated over 100 bags of food. The ladies knit and crochet hats and blankets for the hospital. We enjoy what we do for the community. I am in support of using Eckersly Hall as a senior center. I think this community needs to move forward and it is an opportunity to provide us with a senior center.

Ed Dypa, Chair of the Senior Services Commission, speaks as a resident. He states for the past 30 years, every administration who sat there said they have to do something for the seniors. Thirty years went by. We have an activity room at Sbona Towers; it has been there for 40 years. It is one room. How can you have multiple programs when you have one room. There are other communities in Connecticut smaller than Middletown who have a senior center, and he names a few. I invite you and we will get the senior bus to take you to see what they did. Groton has 43,000 people and 5,000 seniors. Middletown has 46,000 people and 6,000 seniors. In another 5 years, the population of seniors will grow by 20% and what do we have to show for it; nothing. We are still in Sbona Towers activity room. People said it will only serve you 10 or 15 years and it is better than what we have now. To clarify, Mrs. Kasper you basically said in your article that it is Mayor Giuliano's church selling it. There are other members of the Council who are also members of that church. The church doesn't own St. Sebastian School, just like any other church. They don't own it; the diocese owns it. They just administer it. If you want to blame anyone, blame any catholic in the diocese. You say why there. I say because it is there. Three schools have been sold. There is a rumor that you want to sell City Hall and move to the old weekly reader building; why. People will drive to a senior center. The senior has supported everything you have wanted and it is time you support the seniors for getting a center that may not be the best. We can spend \$25 million at Veterans Park or get surplus buildings from the Army, but we have a building that has facilities. It is good talking about block grant money. He served on a grant committee for seven years and grants come in from the same organizations asking for the same money over and over and it is time to look at new grants and this will benefit the community. It should be used as a community center, not a senior center. Ms Santangelo talked about using the schools; maybe she has influence, but it is like pulling teeth trying to get to use a room. There is dictatorship trying to use those facilities. Here you have a facility that can be used by everyone. At night it could be used and benefit the entire community. He urges the Council to vote for this.

Earle Roberts states on number 7, Old Business, I hope you choose to reject that. Leave the arcade where it is and rebuild on Dingwall Drive. He speaks to resolution 10-5. Being a veteran, and entering into a senior and coming from a family that dates back to the Civil War and serving in every conflict, his comments are to support the seniors, but not the location and position. If the church did not have issues in selling it, we would not be here this evening. They should be allowed to put it back on the tax rolls. The comments relative to funding is not wise using CDBG and LoCIP. Having run for a State seat and what he has learned from Hartford is the money will dry up. Another part of the issue in the paper is the architect; he said we need relative to dealing with the wish list the undersigned multiple uses, we needed a market study. That is the right thing to do. The seniors deserve the best. He remembers the Armory on Main Street and it was lively. We need a place. When it comes to money and seniors and veterans, he will work hard in the quality of the building. It was not laid out properly and there are costs for running the building. It should go to a referendum. You are spending \$25,000 for the Chamber and he would rather see it go to look at another site. You don't want to scatter everyone around the City. It doesn't make sense. If you vote and do it in rejection of this and go back to the drawing board and do something that your family members will be proud of and build a building next to this building. There is not anything wrong with Durant Street and selling it for the needs of the Church. You owe it to take a time out and think of something different for veterans and seniors and City workers if that is the intent, keep it central. On your transfer reports tonight you have \$12,000 for computers. Read what it says and he hopes you have questions for that leader. Money is coming from hardware and going into salaries and part time. Agenda item 10-6, the \$25,000 coming from Economic Development is an expansion of government and why are we paying for it.

Acting Chief of Police Patrick McMahon speaks to agenda item 10-5, the senior center and substation for the Police Department. He is a peace-time Corps member. We should not lose sight of those who served. Secretary of Defense Rumsfeld stated you go to war with the army you have. He doesn't know if it is a perfect location, but for seniors and veterans and if it works, then we shouldn't lose sight of who it is serving. A house is not a home

unless it is filled with love and until you put people in, you won't have the love until you fill it. There is never a perfect time and parishes aside, it is a building, let's make it a home. On agenda item 10-14 Union President Puorro made comments and I would like to make comments to you. In the current agreement under Article 3, Section 11, he quotes the contract regarding experimental shifts and states it can be done if agreed to by both Union and the City; no approval is needed by the Council. The City is defined as the Mayor or Designee. Corporation Counsel would have told you that it is illegal to go against the contract. The Union could go to court. The resolution contains inaccuracies. Here are the facts. The 4-2 schedule beginning Monday will contain the most sworn personnel ever; it is 65. The 4-2 schedule will have more officers than minimal staffing before people request time off. The 4-2 schedule is not new and has worked in Bristol and those residents don't feel unsafe. This is an experimental shift and I should be chastised for not recommending this a year ago. The schedule does not increase financial responsibility of the City or my budget. Your attempt to legislate will be illegal and put you in the position of litigation.

Councilwoman Kasper would like to read for the record a statement by a citizen, Gerry Rankin who could not attend. He is against the purchase of St. Sebastian School for a senior center and has asked her to read his statement. She reads it. It addresses the cost; the reason behind the request and anyone who is a member of the church and can vote should not vote to avoid the appearance of a conflict of interest. They say they can do this without cost to the citizens. Look at the last few buildings they did; we pay more for construction work. If the seniors want to do something, they can join their church or work for St. Vincent DePaul or other organizations like Big Brother, the library and/or hospital. We can't rely on the State for free money. We don't have any money to spend on this. This is an older building and we don't know the contamination. You can't balance the budget without raising taxes.

Public Hearing Closed

The Chair asks if there are other members of the public who wish to speak to come forward. Seeing none, the Chair closes the public hearing on agenda items at 8:42 p.m.

Agenda Item 8
Description

Appropriation Requests

The Chair asks the Council Clerk to read the appropriation requests and the Certificate of the Director of Finance:

Appropriation Requests

Notice is hereby given that a regular meeting of the Common Council of the City of Middletown will be held in the Council Chamber of the Municipal Building on **Monday, December 6, 2010** at 7 o'clock p.m. to conduct a public hearing, consider and act upon the following:

Sanitation Department	\$130,800, Account No. 2150-40000-58125-00000-2010-000, Refuse Truck & Components, Sanitation Depreciation Fund.
Water Department	\$60,000, Account No. 5000-60000-51110, Salaries & Wages, FT Perm, Water Fund.
Planning, Conservation And Development	\$800,000, Account No. 1000-270000-55423, Special Accounts, General Fund.

Any and all persons interested may appear and be heard.

ATTEST:
SEBASTIAN N. GIULIANO
Mayor

Certification of Funds

To: His Honor Mayor Sebastian N. Giuliano
and Members of the Common Council
From: Finance
Date: December 3, 2010
RE: Certification of Funds

This is to certify that funds for the appropriations requested at your meeting of December 6, 2010 are available as follows:

Sanitation Depreciation Fund	\$130,800
Water Fund	60,000
General Fund	800,000

Respectfully submitted,
Carl Erlacher
Director of Finance

Motion to Recess

Councilman Serra moves for a ten minute recess; Councilman Loffredo seconds the motion. The vote is called and it is unanimous with twelve aye

votes to recess. The Chair declares the recess at 8:44 p.m. the Chair states everyone should be back at 8:55.

Meeting Reconvenes

The Chair calls the meeting to order at 8:58 p.m.

The Chair states we will proceed to the appropriation requests and recognizes Councilman Streeto.

Sanitation Department Request:

Councilman Streeto reads and moves the \$130,800 request for the Sanitation Department for approval. His motion is seconded by Councilman Pessina. Councilman Streeto is recognized and states he would like to speak to it. For those who missed the questions to directors, he commends Bill Russo, Bob Dobmeier and Jeff Harvey the Fleet Manager for this resolution of problems. They will need other solutions like this one and it should be encouraged. The vote is called and it is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimous.

Sanitation Department
(APPROVED)

\$130,800, Account No. 2150-40000-58125-00000-2010-000, Refuse Truck & Components, Sanitation Depreciation Fund.

The Chair states he is tempted to move for another suspension of rules to take up item 10-10 now.

Agenda Item 10-10
Description Resolution

Motion to Suspend Rules

Councilman Streeto moves to suspend the rules to take up agenda item 10-10. Councilman Pessina seconds the motion. The Chair states all those for suspending the rule and taking agenda item 10-10 up vote aye. The Vote is unanimous with twelve aye votes to proceed to 10-10 at this time.

Councilman Streeto moves agenda item 10-10 for approval and his motion is seconded by Councilman Pessina. Seeing no discussion, the Chair calls for the vote. It is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously.

Resolution No.
File Name
Description

**150-10
pwpreownedsanitationequipment.doc
Authorizing the bid waiver for the purchase of a 2000 Mack LE613 trucks, one 2005 Peterbilt 320 Dual Drive with 34-yard labrie top select recycle body and one full body installed on the City of Middletown's chassis for the Sanitation Department at a cost of \$130,800.**

(Approved)

Whereas, the Sanitation Department has been fiscally prudent for the last several years in order to control costs for residents of the Sanitation district; and

Whereas, contributions to the Sanitation Depreciation Fund have been reduced, as a result, which have not allowed for capital purchases; and

Whereas, a new automated Mack truck would cost the department well over \$200,000; and

Whereas, the City's Chief Mechanic has located previously owned equipment that will benefit the sanitation operation; and

Whereas, the purchase would allow a retrofit of a 1997 truck to an additional automated truck, replacement of a 1990 rear loader truck to a 2000 rear loader, and the addition of a 2005 recycling truck; and

Whereas, the purchase will immediately upgrade the fleet in the Sanitation Department and improve efficiency within the department; and

Whereas, this equipment purchase would also avoid the need to rent an automated truck during breakdowns which cost the district \$1000 per day; and

Whereas, the Committee interviewed representatives of the Public Works Department including Director Bill Russo and Chief Mechanic Jeff Harvey regarding the proposed purchase; and

Whereas, the Public Works Department has properly submitted the necessary paperwork to the City's Purchasing and Standardization Committee, which has approved the requested Bid Waiver with a 3-0 vote on November 10, 2010; and

Whereas, this expenditure will be made from the Sanitation Depreciation Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That a bid waiver, in accordance with Section 78-8 of the Middletown Code of Ordinances, be approved for the purchase of two 2000 Mack LE613 trucks, one 2005 Peterbilt 320 Dual Drive with 34 yard Labrie top select recycle body and one full body installed on the City of Middletown's chassis with all the specifications as approved by the Public Works Chief Mechanic at a total cost of \$130,800.

Water Fund Request:

Councilman Streeto reads and moves for approval the Water Department \$60,000 request; his motion is seconded by Councilman Pessina. The Chair states it has been moved and seconded and asks if there is any discussion. Seeing none, he calls for the vote. It is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously.

Water Department
(APPROVED)

\$60,000, Account No. 5000-60000-51110, Salaries & Wages, FT Perm, Water Fund.

Planning, Conservation and Development Request:

The Chair recognizes Councilman Daley who moves for approval the \$800,000 appropriation request. His motion is seconded by Councilman Streeto. The Chair states it has been moved and seconded and calls for discussion.

Councilman Klattenberg speaks to the request; we have gone through many meetings and an extensive workshop trying to get the anticipated costs for this project before making the final decision. Bill Warner should be commended for doing an incredible amount of work in assembling the facts and figures. He did a lot of homework on other senior centers in Connecticut and how it compares to what is proposed in Middletown. There is no question that the current senior center is woefully inadequate with space for parking and available programs. We have a population in the City that is growing at a significant rate. We do so much for the youth because they represent the future and it is the seniors that represent the future of Middletown. It is growing at 6%. One out of every six is a senior citizen. In 5 years, it will be one out of five members. We have done so little for seniors. We have done little for seniors today. This plan that has been put together it is a good location. Many other senior citizens and other senior centers, they are not located in the center of the City. In Manchester it is extremely successful and it is located near Bolton. Location is irrelevant so long as it is clean, has programs that are engaging, and has transportation. In Wallingford alone, ten years ago their membership was less than 2,000 and in ten years it is over 4,000 and it is not in the center of town. It is a not for profit center and people are donating to it. It is new construction. A new building would be ideal and it is a misnomer to call St. Sebastian School as the ideal, but it is what we can afford. We need to move into a better space and we can't afford the ideal. Madison just put a shovel in the ground; for a 13,000 sq ft center for a population of 13,000. This building solves multiple problems. It helps to alleviate overcrowding in City Hall. Let's not just talk about it as a senior center but also to solve local problems. The question is whether or not all costs have been adequately defined but we can't come up with all those costs as yet. There are creative ways to move this project forward for operational costs. One of the key features and directors of a senior center, everyone needs to have pool tables because it attracts younger male seniors and someone in Higganum has already donated one if we can get it constructed. We need to get support and a sense of place. I grew up in a culture where seniors in our family were always treated with dignity and respect and today's culture it is hard to find that. The level of support given to seniors is taken up by centers like this. It is an important project and we need to move on it quickly. We need to act on it tonight. He congratulates Mr. Warner and the Mayor as a good interim solution.

Councilman Faulkner states he will not support this. He applauds everyone who worked on this because of the amount of work in a short period of time, but I think we can do better in terms of putting a facility together especially when we are talking about the money we are talking about. He is not confident about the funding; we do a lot with CDBG and LoCIP so I have concerns there. Those are my reasons. I don't feel comfortable supporting this. There is a buyer for this facility so it will be purchased and it won't hurt the seller.

Councilman Streeto states he will join Councilman Klattenberg in supporting this. He commends the community on one of the more polite debates on a contentious matter over the last ten years. It was civil. It was nice to see and the overwhelming majority have taken a high tone. That has not always been the case. I agree with Councilman Klattenberg that it is not an ideal solution and I liked the center for \$25 million but it is not a viable solution right now. This is a solution to many problems; what is possible right now is this project and it will provide a long term solution with the problem of the senior center and allow the veterans a place for the museum. He discussed grants with Mr. Organek. Amidst the drawing up of grant funding, the one

area that you will not see grants drying up is the veteran organizations. The main thing for funding, there are details to be worked out and he has reservations about using CDBG funds. Depending how things work out, it can be phased in if that needs to be done. We can do part of it, like just the senior center and do the second floor at a later time. It costs more to phase the construction, but it may be dictated because of financing. A referendum can be called for, but in the interim we have a building that is structurally sound and attractive and we are being offered at below market rate and he urges his Council members to support it as well.

Councilman Daley states he has put a lot of thought into what to do about this appropriation and resolution and I have decided to support the appropriation and resolution authorizing the Mayor to go forward with the purchase. It boiled down to: its time. It is time to do the right thing for the community seniors and veterans. These are two groups the community owes much to. There is no good time to spend money. These are difficult times. It would be great if we could afford the \$25 million community center, but in all honesty, I don't see that being viable anytime soon. We have a senior center that is inadequate. It is an embarrassment to the community. What other community our size does not have a community center. It was stressed it should be a community center, not just a senior center. One other point that came up and it is troubling is the question about CDBG funding. The decisions we are making tonight do not determine future CDBG funding. Mr. Warner offered an approach that could be used to make improvements to the building that would bring it to the way we wanted with minimal impact to the taxpayer and the CDBG funding is through a competitive process. The City will have to submit a request to make improvements and will compete with other agencies and if they come in and they convince the CAC that their request is more viable than others, then CAC will make that recommendation to the Council and the Council will ultimately have to make that decision. We got a lot of good organizations worked up about it. They will be able to apply as they have in the past. Bottom line, this is an opportunity to acquire an asset to address a number of needs in the City today. It will extend the life of city hall by offering more space; it will offer more space for senior programming and give the veterans a home for their efforts. We don't have all the answers set out and a building committee will have to be established to work out all those things. We should go forward with the purchase and he will support the appropriation and resolution.

Councilwoman Kasper states she will not support it tonight. I think they deserve better. The services or programs will not be expanded with this building. If there is any interest in outside activities, it could not be accomplished at this site. The percentage of growth of seniors and she questioned allowing only 200 Seniors at a dinner is beneficial if the numbers are growing so quickly. A number of individuals said it should go out to referendum and the proposal at Vets Park for \$25 million, that should be scaled back and put out to referendum and let the voters decide. Then there would be no question about using CDBG funds for this along with LoCIP. We need a senior center and I am in favor of it. Programs should be expanded.

Councilman Loffredo states his question in light of the workshop and total cost of the package before us that the chief executive office of the City falls well beyond the \$750,000 limit of the Charter. Will it be brought to the citizens or not. The Chair states the acquisition need not be and if we choose to expend significant dollars then it would have to go if it is above \$750,000. Clearly before us is the acquisition. We are using the dollars to offset a bond sale. I personally don't think anyone on the Council doesn't know if they like or dislike this. If you are in favor of it, stretch it out; if you are against it, we need to let the seller know. Bond Counsel has put his imprimatur on this approach. Councilman Loffredo states we had a workshop and to renovate it under Mr. Warner's plan clearly will be beyond \$750,000 or are you suggesting it will be paid for out of general funds over a period of time. The Chair states what he thinks will happen is once the decision is made and a once Planning and Zoning approves the special exception, then he believes the building committee ordinance needs to be in place and those questions will have to be resolved with their recommendations and whether they go along with it and if it is appropriate whether it is bonding through referendum or whether it is phased and if it is a decision solely in the Council. that is the way it will play out. Councilman Loffredo states then the first decision is the use of the funds and secondarily the building will be turned over to a building committee with the requests and proposals and at that time a determination will be made subsequent to their work. The Chair states he is sure it will be a phased in project because of the different uses and they may have their own time table. The Senior Center is a tenant of the Housing Authority. We would like to see that portion of the project done before the lease expires. Will it occur; probably not. Will the building committee get it done by July 1, I don't think so. Some City

offices are in rental property with the lease up about a year from now and is it possible and feasible to have those questions settled, that is possible. Councilman Loffredo states he appreciates the comments made by the Mayor. He urges his colleagues to support this because the City has the need for additional space. It is a solid building. He worked and lived in an historical building on Crescent Street. Buildings such as this one can be utilized in a useful fashion and it is historical as well. It is difficult times and there are resources available over a period of time. The state and nation will look for projects that will require utilization for rehab. This will bring in trades people for work. The City needs both short and long term solutions and has a history for utilizing school buildings. The City switched with the old St. Sebastian school in the north end. The price based on appraisal is a fair and reasonable one and the action before us is appropriate and yet to determine the specificity. Future Council members will be evaluating this and the serious questions raised for the renovation of this project; for those reasons, he urges his colleagues to vote for the purchase of the building.

Councilman Bauer states he enjoys the rare moments when his sentiments converge with Councilman Daleyis. He supports this purchase. First, he is reminded we need to educate people in town how the Cityis operations work. He heard the comments about the Library; on one hand the block grant and funding the operation of the library, we give them \$3 million a year. We have to educate ourselves on how the library works. This whole process; it was a good job to give us the information on this building. He is confident that we are not buying a building that is going to bite us financially. He offers his view that the real question is about the operations. The decision tonight is not irrevocable. We are the authority to fund the purchase of this building and if the building committee or further study says this is not an improvement for seniors, then we are the authority to sell the building. This may be a better move than land banking. We have a legitimate need and he emphasizes that this is not the final count; we have to figure out how to make it work and provide the services with less money and greater efficiency. The capital funds are easier to get your hands on than the operational funds. The rate we spend referendum money on roads is \$2.5 million every year. He will support this and assure you he will be vigilant as possible to see this project solves the needs for the seniors, storage space, meeting space, and our veterans. It will be an open, public, transparent process. We will reduce the delivery of services and keep taxes down. I like the diligence that you are approaching this. He will vote in favor.

Councilman Santangelo states after listening to my colleagues, he knows where we are going. He visited the senior center 17 years ago and thought it was inadequate. What he is concerned about is he is not sure what it will cost and where the funding is coming from. One of the things he heard is 2,000 sq ft. for the Museum big and then he heard that City offices will go there and take what the veterans get and shrinking it. They have a lot of things to display. I want to see a real plan for funding. We need a senior center and when the \$25 million plan didn't go, he understood the need for the center. We have lots of ideas, but he doesn't see the plan and that gives him an angst. Mr. Warner had creative ideas on how to do things and we don't have the money. I heard about CDBG and LoCIP monies. He heard about the grants out there. I would like to see this project move, but that is not what I am hearing. He might support the purchase, but what is the rest. There is no timetable. It will be a building committee without funds. Nothing is guaranteed to us. That is the hard time he has with this project. We will purchase the building and next month we still need a senior center. There are ideas, no plans. Where is the plan. People came forward with ideas. When he sees the funding he will be a happy person. One person said to him, mentioned that financing should be bonding to guarantee the money will be there. We will have to take it one step at a time. Hopefully the senior center has been there for 40 years and hopes it won't take 40 years to move this one along.

Councilman Bibisi states he will support this project; this is the beginning. It is the purchase. By ordinance we will have a building committee to work with the architect and contractors. This fits the needs of two segments of the population. It will be a community center. I have some concerns about the funding, but that is one problem we hope to resolve as we go along. The nonprofits on CDBG grants, he doesn't see them getting cut off. It is a competitive process and they should still receive the amount they put the bid in for. This project enhances the neighborhood. We are looking to put a little park in there. It will be good for the kids in the neighborhood. This is just the beginning. I will support this.

Councilman Pessina states for those who will support this and for 40 years we finally got a breath of fresh air. We will move for a senior center, a community center and avenue for the military to educate our children and public about the sacrifices they have done for this community. I have been

on this Council for three years and I have not seen a purchase or anything that as been so vetted by Mr. Warner and his staff and we should commend him. He has some creative funding. It is a beginning and a step in the right direction. Twenty-five years ago I visited my mom at the senior center when I was on the beat and one of the things in casual conversation they would say wouldn't it be wonderful to get a nice senior center. It wasn't what the City expected what it was supposed to be. He heard about a building at Spear Park or Hotchkiss Street. That didn't materialize. He became a member of Senior Services and the committee for a new center. That was a pie in the sky. This community spent \$110 million on a new high school. What have we spent on the seniors and veterans. We have an opportunity to move forward in the right direction. We can move offices there, have a senior center and help the veterans. He would like to see Health move out there. It is on the bus line and he will bet when this moves you will see volunteerism that you have not seen before. We could tie the community together in rough economic times by bringing together a coalition of volunteers. What better time do we have than now in these times. We can do it. It is in the heart of the City of Middletown. It is an opportunity and a breath of fresh air. This community was built on what you did before. He hangs his head that it took that long for a Council to make a bold step to honor these seniors and veterans. Lets do it right and energize our community. Get volunteerism at its best. We will do it. We need to move forward and bring the community together. He will support this.

Councilman Serra states he agrees with everyone who has spoken but for the record this has not been deliberated on for very long. As Councilman Pessina and I have been cleared by the Ethics Committee to vote on this. For Ed Dypa, I served with you and you had my full force for the \$25 million community center; however the economic bottom fell out. My problem, and I am on the Parish Council, my concern here is \$800,000 cash that I believe should go to the fund balance so that when we budget we have it available. We were criticized for taking monies from the balance to help the taxpayers out. We should creatively fund this, whether or not to bond this. If there are people that think it should go to referendum, then it should. How do you go into a project without a maintenance budget and operation budget and I know the bond indebtedness is going to be a little lower and if we do bond this, the bond interest rates are way down and won't affect our indebtedness. We should have all the funding there. In terms of the work Bill Warner did, it was tremendous. He is glad busses will be there, but I don't think CDBG and LoCIP should be used. I would have liked to postpone this to get the funding down. In terms of the actual project, I am not against it, but the funding concerns me during these economic times. This is a difficult decision for me as a life long member of the parish church. I believe spending the bond premium is not the right way to go. We should be funding this differently.

The vote is called. It is eight aye votes by Council Members Loffredo, Klattenberg, Pessina, Daley, Bibisi, Streeto, Kleckowski, and Bauer and four nay votes by Council Members Serra, Santangelo, Kasper, and Faulkner. The Chair states the matter passes with eight affirmative votes and four negative votes.

Planning, Conservation
And Development
(APPROVED)

**\$800,000, Account No. 1000-270000-55423, Special Accounts,
General Fund.**

<u>Agenda Item</u>	<u>10-5</u>
Description	Resolution

Motion to Suspend Rules

The Chair states it would be appropriate to take up agenda item 10-5 at this time. Councilman Streeto moves to suspend the rules to consider agenda item 10-5 at this time; Councilwoman Kleckowski seconds the motion. The vote is called and it is eleven aye votes and one nay vote. The Chair states the motion carries with eleven affirmative votes.

Councilman Klattenberg reads and moves agenda item 10-5 for approval and is seconded by Councilman Streeto. The Chair states it has been moved and seconded.

Councilman Bauer states he appreciates the care and concern taken on this matter; we are buying a good asset and if the next step doesn't work out, we have an asset we can try to sell and get our money back. He has heard about the financing and he would be open to doing it the proper way.

Seeing no further discussion, the Chair calls for the vote. It is approved with eight aye votes by Council Members Loffredo, Klattenberg, Pessina, Daley, Bibisi, Streeto, Kleckowski, and Bauer and four nay votes by Council

Members Serra, Santangelo, Kasper, and Faulkner. The Chair states the matter passes with eight affirmative votes and four negative votes.

Resolution No.
File Name
Description

151-10
pcdstsebastianpurchaseFINAL.doc
Authorizing the Mayor to enter into a purchase and sale agreement with St. Sebastian's Church to acquire the former St. Sebastian's School (Eckersley Hall School) for \$800,000 and execute all documents to effectuate such purchase.

(Approved)

WHEREAS, the City of Middletown has identified a need for a new senior center and has been considering options for a new senior center for many years; and

WHEREAS, the Greater Middletown Military Museum Committee has been searching for a home for a military museum since 2003; and

WHEREAS, the City of Middletown Municipal Building is currently overcrowded with no room for any reasonable expansion, no additional storage and only one conference room; and

WHEREAS, this lack of room to grow within the municipal building has resulted in the need to lease space for the Recreation Office at an annual cost of \$33,600, the need to lease offsite storage space at an annual cost of \$8,098, the need to investigate leasing offsite space for the Information Technology Department and significant conflict in scheduling meetings; and

WHEREAS, the current lease for the Recreation Office expires on December 31, 2011 and there will be a need to renew the lease for an additional term with an increase in lease payments and the need to continue to lease off site storage will continue indefinitely; and

WHEREAS, the current Senior Center at Sbona Towers is owned by the Housing Authority and leased by the City of Middletown and said lease expires on June 30, 2011 and recent negotiations indicate the Housing Authority will seek monthly payments from the city in the form of rent and/or utility subsidy and there is a need to spend \$8,104 annually to lease parking at the current Senior Center; and

WHEREAS the current Senior Center has no convenient or accessible parking for seniors coming from outside of Sbona Towers , greatly impacting its utilization; and

WHEREAS, the Middletown Senior Services Committee endorsed the proposal for the city to purchase the former St. Sebastian's School and use the \$245,435 currently available to renovate the first level of the building for use as a Senior Center; and

WHEREAS, this historically significant building was known as the Eckersley Hall School and is named after Herbert Eckersley and Fred Hall, two World War I Veterans from Middletown killed in action; and

WHEREAS, the Greater Middletown Military Museum Committee has endorsed the use of a portion of the former St. Sebastian's Annex building for use as a military museum to preserve military artifacts and commemorate and pay tribute to those that have served our country, and

WHEREAS, the Mayor convened a staff committee including the Finance Director, the Acting City Attorney and the Tax Assessor to negotiate the purchase of the building, and

WHEREAS, the Committee has reached a tentative purchase price agreement of \$800,000, which is significantly below current market value; and

WHEREAS, the Committee and the Director of Planning, Conservation and Development appeared before the Public Works Commission, the Economic Development Committee and the Finance and Government Reorganization Committee and those committees generally supported the acquisition but sought further information and due diligence; and

WHEREAS, the Middletown Common Council modified a \$59,800 appropriation to allow said funds to be used to conduct due diligence investigations of the former St. Sebastian's School (Eckersley Hall School) including but not limited to a title search, commercial building inspection, lead and asbestos study, Phase I Environmental Site Assessment, and an architectural feasibility study; and

WHEREAS, said studies have been delivered to Common Council members and said studies have not identified any serious problems with the building and all issues identified can be dealt with during building renovations; and

WHEREAS, the Architectural Feasibility Study indicates Phase I on the first level can accommodate the needs of the Senior Center; Phase II indicates the second level can accommodate up to 5,000 sq. ft. of municipal offices, conference and storage space, including a Police Substation, and the attic can serve as storage space. Phase III indicates the annex can easily accommodate the needs of the military museum and/or municipal office space; and

WHEREAS, some of the work contemplated is eligible for CDBG funding, state and federal historic tax credits, federal EPA funding and State LOCIP funding; and

WHEREAS, much of the work contemplated can be completed with existing city staff and resources and, the following organizations have offered volunteer labor for the project including Honeywell International, Middlesex County AIC, Wesleyan University and

WHEREAS, the Middletown Area Transit District has offered to adjust its route when necessary to accommodate access to the facility from South Main St.

NOW THEREFORE, be it resolved that the utilization of the former St. Sebastian School to serve as a Senior Center, Military Museum and City Annex brings together a common solution to many complex Senior Citizen, community and government problems and needs and when completed using professional and volunteer help and resources will create for many a true “sense of place” for our community.

NOW THEREFORE, be it resolved by the Middletown Common Council that the Mayor is hereby authorized to enter into a purchase and sale agreement with St. Sebastian’s Church to acquire the former St. Sebastian’s School (Eckersley Hall School) for \$800,000 subject to Planning and Zoning Commission CGS 8-24 review and Special Exception approval; and

BE IT FURTHER RESOLVED that civic organizations, local schools, business groups and trade organizations will continue to be asked to provide in-kind and other support for the Senior Center to ensure that this building will be a centerpiece for our aging population and where maintaining the highest standards for quality of life will be its highest priority.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute all documents necessary to effectuate said purchase.

Financial Impact: The fiscal impact on the general fund is dependent on future decisions made by a future Building Committee created by the Common Council. Financial impacts were discussed and presented to the Council by way of power point presentation at a Common Council workshop on November 30th, 2010. Each Council member was provided with a copy the full presentation.

The Chair asks to comment; everyone commented about the Senior Center 40 years ago. He was a senior in high school then. Things in Middletown, there never seems to be a good time to do things and temporary fixes, we don’t necessarily take care of them. If this goes through, the Senior Center would be there for more than 10 years. Lisa Santangelo made a remark saying instead of looking for more office space, we should look to shrink and that will not happen right away and it will have to go through a deliberative body and ten years from now, the Senior Center may occupy the entire building and we go paperless and shrink and everyone can be here. We would have all liked to have seen the Senior Center from the focus groups but we have to assume it is a generation away. This is a viable alternative and best for us now. Using bid premium money for capital uses. In order to get the interest rate we were awarded, the bid premium adjusted it down and if we just spend it, you are actually paying almost twice as much as you should be. The last bond was \$10,900,000 and if we use the bid premium for which we would bond, it is that we are getting \$11.7 million by using the bond premium and we are effectively lowering the interest rate. I agree with Councilman Serra that we should be creative with bonding as we have done in the past and that is for a building committee to work out and recommend to the Council how it should go. We have taken a step in the right direction. We are in a position to do something for the seniors. He commends the Council who supported it and understands their misgivings and hopes now that it has passed they will participate in whatever processes that occur to make it a reality.

Noted for the Record Councilwoman Kleckowski and Councilman Santangelo leave the meeting at 10 p.m.

<u>Agenda Item</u>	7
Description	Old Business

Councilman Serra reads and moves for approval ordinance 7-1 amending section 285-17. Councilman Streeto seconds the motion. There is no discussion. The Chair calls for the vote and it is unanimous with ten aye votes to approve this ordinance. The Chair states the matter is approved with ten affirmative votes and two absent and not voting.

Ordinance No.	85-10
File name	sec285-17revised.doc
Description	Amending Section 285-17. Parking lots and meters. of the Middletown Code of Ordinances.

(Approved)

Sec. 285-17. Parking lots and meters. [Added 6-6-1988]

- A. Hours meters to be in operation; curb meters. Curb parking meters shall be in operation for curb parking spaces every day, except Sundays and legal holidays, from 10:00 a.m. to 6:00 p.m. prevailing time. [Amended 11-1-2004 by Ord. No. 13-04]
- B. Parking lots; hours parking in lots prohibited. Where existing, parking lot meters shall be in operation for parking lot spaces every day except Sundays and legal holidays from 9:00 a.m. to 6:00 p.m. prevailing time[.]. [except on Fridays when the period of operation shall be from 9:00 a.m. to 9:00 p.m. prevailing time.] There shall be no parking in any parking lot whether metered or not between the hours of 12:00 midnight and 8:00 a.m. prevailing time, except that parking shall be permitted between those hours at the discretion of the [Chief of Police] **Director of Parking** during a snow removal no-parking ban. The [Chief of Police,] **Director of Parking** in his/her discretion, may amend the hours of operation of the parking lots. The parking lots are hereby designated as follows: [Amended 10-5-1998; 10-6-2003]

(1) Lot A is located on Washington Street connecting to Broad Street.

- (2) Lot B is located on Main Street directly across from Ferry Street.
- (3) Grand Street Lot is located at the corner of Main Street and Grand Street.
- (4) Broad Street Lot is located directly across from the Russell Library.
- (5) Riverview Garage is located on Dingwall Drive.
- (6) Riverview Parking Arcade is located on Court Street (Lower).
- (7) Melilli Plaza Lot is located between Washington Street and (Lower) Court Street.

C. Coin to be deposited in meter when vehicle parked in space. When any vehicle shall be parked in any parking space alongside or next to which a parking meter is located, the operator of such vehicle shall deposit or cause to be deposited in the meter such proper coin as is designated by proper direction on the meter and set the parking meter in operation.

D. Registration prima facie evidence of name of violator. In any prosecution or proceedings hereunder, the registration plate or license plate displayed on a motor vehicle shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked such vehicle at the place where such violation occurred.

E. Violations; overtime parking.

(1) No owner or operator shall cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked overtime, whether on a highway or in a parking lot, as is allowed by a meter or sign.

(2) Whenever a vehicle remains in a parking space for a period of one hour after being cited for a violation of this Code of Ordinances it may also be cited additionally each one-hour period for overtime parking and the violator shall be subject to fines and penalties as provided for in this Code of Ordinances.

F. Deposit of additional coins. No person shall deposit in any parking meter any coin for the purpose of parking beyond the maximum legal parking time for the particular parking meter zone.

G. Improper parking. No person shall park any vehicle, whether on a highway or in a parking lot, across any line designating a parking meter space or nonmetered space. The vehicle shall be in such position that it is entirely within a space designated by such lines or markings. Vehicles parked on Main Street shall be positioned within the lines so that the right front wheel shall be within a distance of not more than 12 inches from the curb. In addition, no vehicle shall be parked so that the vehicle is backed into the stall, whether on a street with diagonal parking stalls or in a parking lot. No person shall park any vehicle in front of, or so as to obstruct or interfere with the ingress to or egress from, any private driveway or alley, except with the permission of the owner of such driveway or alley.

H. Tampering, etc. with meters and/or signs. No person shall deface, injure, tamper with, open or willfully break, destroy, or impair the usefulness of any parking meter and/or sign.

I. Depositing slugs. No person shall deposit or cause to be deposited in any parking meter any slug, device or metal substance or other substitute for lawful coins.

J. Enforcement; report required. It shall be the duty of the Police Department and its officers and any other legally appointed person to enforce this section for the parking of a vehicle, using the facilities of the Parking Authority. It shall be the duty of enforcing officers to issue a ticket with the following information to report the following:

(1) The number of the parking meter which indicates that the vehicle occupying the parking space is or has been parking in violation of any of the provisions of this section.

(2) The state license and registration number of such vehicle.

(3) The date and time such vehicle is parked in violation of this section.

(4) Any other facts concerning such violation.

K. Notice to be attached to vehicle parked in violation; contents of notice. The enforcing officer as provided in Subsection J shall attach to such vehicle a notice containing the information required by Subsection J, addressed to the owner or operator thereof, that such vehicle has been parked in violation of parking rules and regulations and shall instruct such owner or operator that payment of such sum or sums as prescribed on such notice shall be made either by mail or in person within 14 days to the Parking Authority or to such person and place as may be designated on such notice. Any disputes with respect to said notice must be made to the Parking Authority within five days of the date on the notice.

L. Rates. The following rates are established as follows for parking in the designated areas: [Added 10-6-2003]

(1) Parking meters (Main Street and side streets): ~~[\$0.25]~~ **\$0.50** per half hour, ~~[\$0.10]~~ **\$0.20** for 12 minutes, ~~[\$0.05]~~ **\$0.10** for six minutes; maximum of ~~[two]~~ **three** hours, per day.

(2) Metered parking in lots: Lot A, Lot B, Grand Street Lot: ~~[\$0.25]~~ **\$0.75** per hour, with a maximum of 10 hours.

~~[(3)]~~ Nonmetered parking: Lot A, Lot B, Grand Street Lot: maximum of two hours of free parking per day, per vehicle; only in nonmetered spaces.]

~~(3)~~ ~~[(4)]~~ Broad Street Lot (across from Russell Library): ~~[\$0.25]~~ **\$0.75** per ~~[half]~~ hour, **\$0.30 for 24 minutes**, ~~[\$0.10]~~ **\$0.15** for 12 minutes, \$0.05 for ~~[six]~~ **four** minutes; maximum of ~~[two]~~ **three** hours, per day.

~~(4)~~ ~~[(5)]~~ Permit parking lots: Melilli Plaza Lot, Riverview Garage (lower level only) **\$65.00**, /Lot A, Lot B, Broad Street Lot and Grand Street Lot, permit parking: ~~[\$55]~~ **\$65.00** per month, plus tax, ~~[per permit]~~ **leased space**. [Amended 5-7-2007 by Ord. No. 06-07; 6-4-2007 by Ord. No. 11-07]

- (5) [(6) Booth lots:] **Revenue Control System Lots:** Melilli Plaza Lot, Riverview Parking Arcade (upper level only), public parking:
- (a) [Nonsenior citizen: two] **One** hour[s] of free parking, per vehicle, per day; [\$1] **\$0.75** (tax included) per hour, or part of any hour thereafter.
- [(b) Senior citizen: Four hours of free parking, per vehicle, per day; \$1 (tax included) per hour, or part of any hour thereafter.]
- (b) [(c)] Loss of ticket, [(for seniors and nonsenior citizens):] highest per-day rate.
- (6) [(7)] None of the above rates shall apply during times of emergency parking bans, winter snow bans, or institutions of negotiated contracts.
- M. Overnight parking is not allowed in any of the designated areas unless posted otherwise. [Added 10-6-2003]
- N. The [Chief of Police] **Director of Parking** or his or her designee will determine the availability of monthly permits. The permits must be clearly displayed within the vehicle for each appropriate limited parking area. Permits issued will be for a specific lot only and cannot be used for another lot. The Middletown [Police] **Parking** Departmentis [Parking Authority] office will issue month-to-month permits and collect the **applicable** fee [of \$45] for the above-listed lots. [Added 10-6-2003]
- O. Workforce Parking Program: For pre-qualified citizens earning less than \$31,000/year (adjusted income), \$2.50 per shift (up to 8 hours), per day at designated off-street parking locations.**

Resolution No. 129-10

Councilman Klattenberg reads 129-10 for approval and is seconded by Councilman Streeto.

Councilman Daley states several months ago this was before us; it was decided that we would allow some further study and review by various committees and a consequence of that we invited Director Hartley and Bill Russo from Public Works to come to next EDC meeting which will be on December 13 to allow for a full discussion on the status of funds which was the intent of putting this off and with that in mind I suggest we refer it back to EDC, Parking Advisory and Public Works until such time there is a discussion of this. Councilman Faulkner seconds the motion. The Chair hopes discussion can occur on this. Councilman Daley states he invited them in writing and they are clear in what we want at that meeting. I am hoping we will be able to take it up on the 13th and any members of the Council are welcome to come.

Councilman Streeto states he will ask it be put on their agenda on the Public Works agenda for December 14. He states we have to take it off and then vote to refer. The Chair asks the Clerk to clarify; she states it was postponed to date certain. The Chair states they can vote on the motion to refer.

Motion to Refer/Postpone

Councilman Daley states it is also to postpone to January 3 with referral to the appropriate committees. The Chair calls for the vote. It is unanimous to Postpone to January 3 and refer to EDC, Public Works, and the Parking Advisory Committee with ten aye votes. The Chair states the matter passes with ten affirmative votes and two absent and not voting.

**Resolution No.
File Name
Description**

**152-10
pk amendinglocipappppkgstudymelillisite.doc
Authorizing the Mayor to submit an amended Resolution to OPM to redirect \$120,000 in LoCIP funds for the engineering design for a new parking garage on Melilli Plaza.**

**(Referred to Economic Development, Public Works, and Parking Advisory)
(Postponed to January 3, 2010)**

WHEREAS, in August 2008, Resolution #154-08 approved the Parking and Traffic Study for the Central Business District prepared by VHB, Inc.; authorized the preparation of a government reorganization study to understand the merits of creating a standalone Parking Department to manage Central Business District Parking; authorized the merger of the Melilli Plaza Parking lot and the City Hall Employee Parking lot; and authorized the Mayor to sign an application for LOCIP funds for an engineering design for a new parking garage and parking deck on the site of the Riverview Parking arcade; and

WHEREAS, the Parking and Traffic Study for the Central Business Bureau prepared by VHB was approved; and

WHEREAS, the stand alone Parking Department has been formed and a new Parking Director has been hired to manage Central Business Parking; and

WHEREAS, the new Parking Director has reviewed the parking study and based on the physical facts of the downtown business district, recommends the site for the new garage be reconsidered and changed from the Riverview Parking Arcade to the Melilli site; and

WHEREAS, at the August 9, 2010 meeting of the Economic Development Committee (EDC) the Committee voted to move this resolution to the September meeting of the Common Council.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That Mayor Sebastian N. Giuliano is hereby authorized to submit an amended

Resolution to the State Office of Policy & Management to redirect the \$120,000 LOCIP funds for the engineering design for a new parking garage on the Melilli site.

Agenda Item	8
Description	Department, Committee, Commission Reports and Grant Approvals
	Councilman Serra reads and moves for approval 8A, 8B, 8C, 8D, 8E, 8F, 8G, and 8H; Councilman Streeto seconds the motion. The Chair calls for the vote. The Chair states it is unanimous to approve with ten aye votes. He states all are adopted with ten affirmative votes, none opposed, and two absent and not voting. The items are accepted.
Agenda Item	8A
Description	Town Clerk Certification
(Approved)	November 28, 2010
	I, Sandra Russo Driska, City and Town Clerk of the City of Middletown, and custodian of the records and seal thereof, hereby certify that all ordinances and appropriations passed and adopted at the regular meeting of the Common Council on November 1, 2010 at 7:00 p.m. and specials meetings on November 1, 2010 at 6 p.m., November 9, 2010 at 6:30 p.m. and November 9, 2010 at 7 p.m., have been advertised in the local newspaper.
	Attest: Sandra Russo Driska City & Town Clerk
Agenda Item	8B
Description	Monthly Reports
(Accepted)	Finance Department – Transfer Report to November 29, 2010 Public Works Monthly Report with summary Bldg Permits for October, 2010
Agenda Item	8C
Description	Grant Confirmation and Approval – Board of Education, Various Grants
(Approved)	Name of Grant: As Listed Below Amount Requested: \$548,721.91 Code: 2450-33000-59405 Grant Period: From: 7/1/2010 To: 6/30/2011 Type of Amount Loaned from General Fund: \$0.00 Department Administering Grant: Middletown Board of Education When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted. Description of services to be provided by this Grant: 751 - Macdonough Fresh Fruits \$11,381.00; 769 - Middletown Teen Theater \$350; 785 - 21st. Century Community Learning-Keigwin \$137,836; 820 - Parent Leadership- PLTI \$21,500; 830 - Quality Enhancement-Kith & Kin \$3,201; 841 - Special Ed Medicaid \$137.50; 852 - Universal Service Fund \$55; 858 - 21st. Century Community Learning-W.W.M.S. \$171,030; 876 - Hartford Symphony Donations \$2,750; 880 - Primary Mental Health Program \$24,500; 894 - Swaim Strings Program \$9,015; 700 - Food Services Receipts \$56,955; 801 - Cigna Certified & Paras \$87,585.61; 803 - Workers' Compensation \$487.14; 804 - Preschool Program Receipts \$3,765; 806 - SWAGG-Parent Fees \$645; 807 - Aetna Classified \$94.29; 808 - 21st. Century Parent Fees \$700; 809 - Maintenance/Rentals \$8,391.63; 833 - Adult Education Receipts \$2,360.49; 893 - Fingerprinting Receipts \$327.25; 898 - Student Activities-M.H.S. \$5,000; 901 - Keigwin Parent Fees \$655 Total Special Programs Through 10/18/2010 \$9,260,084.40 ADDITIONS \$548,721.91 Total Special Programs Through 11/18/2010 \$9,808,806.31 Requested by: Michael J. Frechette, Ph.D.
Agenda Item	8D
Description	Emergency Purchase of Failed Transfer Switch – Police Dept.
(Approved)	
Agenda Item	8E
Description	2010/2011 Recruitment Hiring Report – First Quarter
(Accepted)	
Agenda Item	8F
Description	Grant Confirmation and Approval Tree Setback Planting
(Approved)	Water and Sewer Department Name of Grant: Middletown Setback Tree Planting Amount Requested: \$1,558.00

Code: 3450-60000-59200
Grant Period: **From:** 9/13/2010**To:** 12/15/2011
Type of State
Amount Loaned from General Fund: \$1,558.00
Department Administering Grant: Water and Sewer Department
When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.
Description of services to be provided by this Grant: The City of Middletown Urban Forestry Commission will plant approximately ten sugar maples in the setback areas along City streets in Middletown, using funds from a grant made available through America The Beautiful administered by the Connecticut DEP.
Requested by: Guy P. Russo

Agenda Item Description (Approved) **8G Emergency Purchase- Damaged equipment from haz-mat Incident – Fire Department**

Agenda Item Description (Accepted) **8H Personnel Review Committee Review of MOU**

Agenda Item Description (Approved) **9 Payment of City Bills**

Councilman Serra moves to pay all bills that have been properly approved. Councilman Streeto seconds the motion. The Chair calls for the vote. It is nine aye votes by Council Members Serra, Loffredo, Klattenberg, Pessina, Daley, Bibisi, Kasper, Streeto, and Faulkner, and one nay vote by Councilman Bauer. The Chair states the matter passes with nine affirmative votes, one in opposition, and two absent and not voting.

Agenda Item Description **10 Ordinances and Resolutions**

Agenda Item **10-3**

Councilman Pessina moves agenda item 10-3 for approval and is seconded by Councilman Streeto. Councilman Bauer is recognized and states he will vote no because he asked for a review of how we got into this situation and until we know, he will symbolically vote against this.

Councilman Daley states he is aware we need to address this issue and he is not opposed to going forward with acquiring easements and he is puzzled where it came from; it did not come through committee and he is not sure what committee it would be. The Chair states one would be Park and Recreation because the main problem is the landslide causing the Coginchaug River backing up and flooding Veterans Park. Councilman Daley states he is aware of the work that needs to be done and should it go through a committee. He moves to refer it to Park and Recreation.

Motion to Refer Councilman Klattenberg states Public Works has handled this in the past. Councilman Daley states it should go through a committee and refers it to Public Works; Councilman Serra seconds the motion. The Chair states Public Works. Councilman Daley states the work will not be done in the winter so a month this time will not hold it up. The Chair responds they have to stabilize it to get to the area. Councilman Streeto states this is to acquire easements. The Chair states you can do this. Councilman Pessina states it went through Jim Sipperly; he would not be opposed that Public Works look at this. Councilman Loffredo states after Public Works, they will indicate the fiscal impact on this. The Chair calls for vote on the motion to refer this to the Public Works Commission. It is unanimous with ten aye votes. The Chair states the matter passes with ten affirmative votes and two absent and not voting.

Resolution No. **152-10**
File Name **mocoginchaugrivereasement.doc**
Description **Authorizing the Mayor to acquire temporary and permanent easements for the purpose of constructing a bypass channel to relieve flooding on the Coginchaug River.**

(Refer to Public Works Commission)
BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN THAT:
The Mayor be and hereby is empowered and authorized to acquire temporary and permanent

easements for the purpose of constructing a by-pass channel to relieve flooding on the Coginchaug River (aka the West River in this section) in accordance with City Charter and Ordinances and the Connecticut General Statutes.

BE IT FURTHER RESOLVED THAT: Whenever the Mayor is unable to agree with the owner of any property as to the compensation to be paid for the easement on such property, the Mayor, in the name of the Municipality, may petition the Superior Court for the Judicial District of Middlesex, or a judge of said court if said court is not in session, to determine such compensation, subject to the provisions of the Connecticut General Statutes.

Agenda Item **10-4**

Councilman Klattenberg reads and moves for approval agenda item 10-4; his motion is seconded by Councilman Streeto. The Chair asks if there is discussion; seeing none, he calls for the vote. It is unanimous to approve with ten aye votes. The Chair states the matter passes with ten affirmative votes and two absent and not voting.

Resolution No.
File Name
Description
(Approved)

153-10
ccconstellationcontractextensionto2014.doc
Authorizing the Mayor to negotiate and sign an extension agreement with
Constellation New Energy through December, 2014.

Whereas, in November 2006, the Common Council authorized the Mayor to negotiate and sign on behalf of the City of Middletown an energy supply contract with Constellation New Energy through December 2009; and

Whereas, in February 2009, the energy market allowed Constellation New Energy to offer the City of Middletown a three-year extension to the agreement at a significant savings; and

Whereas, under the current agreement, the City pays Constellation for the energy supply contract 8.29 cents per Kilowatt Hour not including ancillary costs, or 10.15 cents per Kilowatt Hour including estimated ancillary costs; and

Whereas, Constellation has reviewed the City's historical usage data and has offered a fixed price agreement that includes all ancillary costs; and

Whereas, the new all inclusive price of 9.962 cents per Kilowatt Hour, will allow the City to have a more predictable electricity budget and the one-bill option will be much more efficient for bill processing, check payment and energy usage tracking;

Whereas, by renegotiating the terms of the current contract, the City is estimated to reduce electrical costs by approximately 14% percent or over \$200,000 annually for 2012, 2013 & 2014.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That Mayor Sebastian N. Giuliano is hereby authorized to sign the extension agreement which includes the price lock with Constellation New Energy through December 2014. Through energy conservation efforts, additional savings will be realized with this resolution because the ancillary costs are controlled instead of variable.

Agenda Item **10-5**

This Item was moved to after the Planning, Conservation and Development appropriation request.

Agenda Item **10-6**

Councilman Daley reads and moves for approval agenda item 10-6; his motion is seconded by Councilman Pessina. The Chair, seeing no discussion indicated, calls for the vote. It is unanimous to approve with ten aye votes. The Chair states the matter passes with ten affirmative votes and none in opposition and two absent and not voting.

Resolution No.
File Name
Description

(Approved)

154-10
pcdChamberSBD2011.doc
Approving the transfer of \$25,000 from the Economic Development
fund Restaurant Lease balance to the Middletown Small Business
Development Center Line item 4330-14000-99200-0000-35175.

WHEREAS, the University of Connecticut Connecticut Business Development Center operated at the Middlesex County Chamber of Commerce for over 20 years and closed in December 2006.

WHEREAS, the City of Middletown and the Middlesex County Chamber of Commerce created in 2009 the Middletown Small Business Development Center to assist individuals and businesses located in the City of Middletown with issues involving management, marketing, accounting and loan packaging.

WHEREAS, the November 8, 2010 meeting of the Economic Development Committee, the committee agreed to recommend that the City of Middletown provide a \$25,000 grant from the Economic Development Fund to assist in the establishment of the Middletown Small Business Development Center.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That the sum of \$25,000 be transferred from the Economic Development

Fund Restaurant Lease balance to the Middletown Small Business Development Center line item 4330-14000-99200-0000-35175-0000-000.

BE IT FURTHER RESOLVED: That the Mayor is authorized to sign all documents to effectuate this agreement.

FINANCIAL IMPACT ó As small businesses struggle because of the economy, the City of Middletown is actively working with the Chamber and entrepreneurs to retain and create new businesses. This will keep commercial properties occupied and maintain assessed values. The money comes from the Economic Development Fund and will have no impact on the General Fund.

Agenda Item **10-7**

Councilman Faulkner reads and moves for approval agenda item 10-7; his motion is seconded by Councilman Streeto. Seeing no discussion indicated, the Chair calls the vote. It is unanimous to approve with ten aye votes. The Chair states the matter passes with ten affirmative, none in opposition and two absent and not voting.

Resolution No.
File Name
Description

155-10
PCD_CCPamendment2010res.doc
Adopting the amended Citizen Participation Plan which includes changes to membership requirements and allows for Request for Proposal and Request for Qualification process in addition to the open solicitation process.

(Approved)

WHEREAS, the City of Middletown receives Community Development Block Grant (CDBG) funds from the U.S. Department of Housing & Urban Development (HUD) as an entitlement community; and

WHEREAS, the final rule was published on January 5, 1995 in the Federal Register for the Consolidated Submission for Community Planning & Development Programs; and

WHEREAS, the City of Middletown an annual entitlement to benefit low and moderate income residents and reduce slum and blight; and,

WHEREAS, pursuant to the HUD final rule, the City of Middletown has a Citizens Advisory Committee which advises the Common Council on the use of its annual CDBG entitlement and the Citizen Participation Plan provides the framework with which these recommendations are formulated and vetted by the Committee, Common Council and the public; and,

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: adopt the amended Citizen Participation Plan, which include changes to the membership requirements for the Committee and allows for Request for Proposal (RFP) and Request for Qualification (RFQ) process in addition to the open solicitation process.

FINANCIAL IMPACT STATEMENT: The proposed amendment is not fiscal in nature, but deals with membership and process. The multiple approaches to allocating funds could require multiple legal notices costs, but planning could consolidate these notices to minimize additional administrative costs for the program.

Agenda Item **10-8**

Councilman Loffredo reads and moves for approval agenda item 10-8 and his motion is seconded by Councilman Serra. There is no discussion. The Chair calls the vote and it is unanimous to approve with ten aye votes. The Chair states the matter passes with ten affirmative votes, none in opposition and two absent and not voting.

Resolution No.
File Name
Description

156-10
pecertifiednurseassistant.doc
Creating and establishing the position of Certified Nursing Assistant, for inclusion into the City's classification plan, effective upon Council approval.

(Approved)

Be it resolved by the Common Council of the City of Middletown: That the position of Certified Nursing Assistant, Local #466 Salary Grade 3 (\$10.55 - \$15.62) and corresponding job description be established for inclusion into the City's classification plan effective upon Council approval.

Financial Impact: There is no impact to the City's General Fund as the position is in the Board of Education.

Position Description

Title:	Certified Nursing Assistant	
Department:	Board of Education	
Date:	August 2010	Grade 3 (\$10.55 to \$15.62)
		Hours of Work:

Conditions of Employment: Position is 181 days. Paid for hours worked when school is in session, including half days. No paid vacation. Pro-rated sick and personal time. Holiday pay for 8 holidays (Columbus Day, Veteran's Day, Thanksgiving Day, Day after Thanksgiving, Martin Luther King Day, Presidents Day, Memorial Day and Labor Day.

Purpose of Position

The purpose of this position is to provide health care services for students in the school setting as a member of the transdisciplinary team under the direct supervision of nurses. The work is performed under the direction of the site nurse and the Director of Pupil Personnel and Special Education.

Essential Duties and Responsibilities

The following duties are normal for this position. These are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.

- Provides direct care of individual children as assigned. Including but not limited to: physical hygiene; mouth care; hair care; nail care; dressing; grooming and toileting.
- Feeds children following facility feeding technique protocol.
- Provide supervision to maintain safety of children at all times.
- Monitoring and recording data as introduced by the nurse.
- Monitoring, recording and reporting seizure activity.
- Maintaining care of children's personal equipment and personal belongings.
- Providing a clean and orderly office setting for children.
- Positioning of children throughout shift as needed.
- Monitoring and reporting any change in children's physical condition.
- Transport/transfer any student as needed per facility.
- Maintains all standards of cleanliness and follows isolation precautions as required.
- Other responsibilities as determined by the Director of Pupil Personnel and Special Education.

Minimum Training and Experience Required to Perform Essential Job Functions

Certification with the State Board of Nursing, Department of Health Regulatory Board. 2 years working in the capacity of a Certified Nursing Assistant. Valid Connecticut Driver's license. Preference will be given to those with previous pediatric or school experience.

Physical and Mental Abilities Required to Perform Essential Job Functions**Language Ability and Interpersonal Communication**

- Requires the ability to perform mid-level data analysis including the ability to audit, deduce, assess, conclude and appraise. Requires discretion in determining and referencing such to established criteria to define consequences and develop alternatives.
- Requires the ability to provide first line supervision. Ability to persuade, convince, and train others. Ability to advise and provide interpretation regarding the application of policies, procedures and standards to specific situations.
- Requires the ability to utilize a variety of reference, descriptive and/or advisory data and information such as student health records, supply requisitions, medication forms, accident forms, surveys, screening referrals, eligibility lists, drug handbooks, medical dictionary, OSHA manuals, procedures, guidelines and non-routine correspondence.
- Requires the ability to communicate orally and in writing with the Director of Pupil Personnel and Special Education, students, parents, teachers, principals, administrators, physicians, paraprofessionals, social workers, psychologists, therapists, guidance counselors, pharmacists, speech pathologists, café and custodial personnel, psychiatrists and the public and to collaborate effectively with trans and inter disciplinary teams.
- Requires the ability to create and implement regular and emergency health care plans.

Mathematical Ability

- Requires the ability to perform addition, subtraction, multiplication and division; calculate percentages and decimals; may require the ability to perform mathematical operations with fractions and algebra.

Physical Requirements

- Requires the ability to operate, calibrate, tune and synchronize, and perform complex rapid adjustment on equipment, machinery and tools such as a computer and other office machines, nursing/medical equipment, screening equipment, medical supplies and/or related materials used in performing essential functions.
- Requires the ability to coordinate eyes, hands, feet and limbs in performing coordinated movements such as providing nursing care.
- Tasks involve the ability to exert light physical effort in sedentary to light work, but which may involve some lifting, carrying, pushing and pulling of objects weighing up to 50 pounds.
- Requires the ability to recognize and identify similarities or differences between characteristics of colors, shapes and sounds associated with job-related objects, materials and tasks.

Environmental Adaptability

- Ability to work under generally safe and comfortable conditions where exposure to environmental factors poses a limited risk of injury. May be exposed to illnesses or disease.

The City of Middletown is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the City will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.

Agenda item**10-9**

Councilman Loffredo reads and moves for approval agenda item 10-9; his motion is seconded by Councilman Serra.

Councilman Pessina states to the maker of motion is this an enhancement of the truancy officer at the Board of Education; thy have had one or is it moving to the Union. Councilman Loffredo responds it has not been included in the classified service and the Board has had it and this is the proper grade and classification for this position. The vote is called and it is unanimous to approve with ten aye votes. The Chair states the matter passes with ten affirmative votes, none in opposition, and two absent and not voting.

Resolution No.
File Name
Description

(Approved)

157-10
petruancyofficer.doc
Creating and establishing the position of Residency/Truancy Officer, MMPA Salary Grade 8 for inclusion into the Cityis Classification Plan.

Be it resolved by the Common Council of the City of Middletown: That the position of Residency/Truancy Officer, MMPA Salary Grade 8 (\$18.73 - \$27.72) and corresponding job description be established for inclusion into the Cityis classification plan effective upon Council approval.

Financial Impact: There is no impact to the Cityis General Fund as the position is in the Board of Education.

Position Description

Title:	Residency/Truancy Officer
Department:	Board of Education
Date:	November, 2010
	Grade 8 MMPA Hours of Work:

Conditions of Employment: 180 days, on-call as required by the district. Position sick/vacation to be determined by district. Position qualifies for medical benefits. Position inclusion into MMPA is a mandatory subject of Collective Bargaining and will require a Memorandum of Understanding with the Union.

Purpose of Position

The purpose of this position is to serve as district attendance and residency officer for eleven Middletown schools and one magnet school (TEMS). Provides assistance to school personnel in interpreting and enforcing compulsory attendance laws and resolving truancy, excessive absences and tardiness problems. Serve as district liaison to parents, law enforcement agencies and court personnel. Position reports to the Superintendent of Schools.

Essential Duties and Responsibilities

The following duties are normal for this position. These are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.

- Conducts absence/truancy investigations of students; enforce attendance laws.
- Makes referrals to appropriate agencies; files complaints; coordinate school and agency activity on court cases; provide attendance information to juvenile courts; represents school district in court proceedings.
- Meet with students referred from guidance office; counsels students with attendance issues.
- Communicates and coordinates with Department of Children and Family workers assigned to Middletown students.
- Prepare reports and maintain case records.
- Investigates residency district wide.
- Visit homes of attendance referrals
- Transports students and parents as required by district administrators
- Serves as district liaison to parents, law enforcement agencies and court personnel.
- Commands respect through demonstrating proper work attire, use of appropriate language and behavior.
- Communicates with school administrators and staff
- Performs other related functions as assigned or required.

Minimum Training and Experience Required to Perform Essential Job Functions

Bacheloris degree in Education, Social Science or Social Service or a related field with six years combined previous public school teaching/guidance counselor experience, experience with attendance in school setting, working with law enforcement and with children and adults in a leadership role; experience working with at risk children; and knowledge of residency verifications. Position requires either a valid Connecticut driveris license with either a CDL or Public Service Endorsement

Physical and Mental Abilities Required to Perform Essential Job Functions

Language Ability and Interpersonal Communication

- Requires the ability to perform mid-level data analysis including the ability to audit, deduce, assess, conclude and appraise. Requires discretion in determining and referencing such to established criteria to define consequences and develop alternatives.
- Requires the ability to provide first-level professional counseling to focus group.
- Requires the ability to utilize a wide variety of reference, descriptive, advisory and/or design data and information such as diagnostic manuals, policy manuals, case reports, compulsory attendance laws, special education law, statutes, procedures, counseling principals and practices, social service resources and non-routine correspondence.
- Requires the ability to communicate orally and in writing with district Administrators and all department personnel, other City departments, Police Department, Court system, students, parents, schools, private clinicians, local, state and federal agencies and the public.

Mathematical Ability

- Requires the ability to perform addition, subtraction, multiplication and division; calculate percentages and decimals; may require the ability to perform mathematical operations with fractions.

Physical Requirements

- Requires the ability to operate, calibrate, tune and synchronize, and perform complex rapid adjustment on equipment, machinery and tools such as a computer and other office machines, a vehicle and/or related materials used in performing essential functions.
- Ability to coordinate eyes, hands, feet and limbs in performing skilled movements such as rapid keyboard use.
- Tasks involve the ability to exert light physical effort in sedentary to light work, but which may involve some lifting, climbing, running, walking, carrying, pushing and pulling of objects weighing five to ten pounds.
- Requires the ability to recognize and identify similarities or differences between characteristics of colors, shapes and sounds associated with job-related objects, materials and tasks.

Environmental Adaptability

- Ability to work under generally safe and comfortable conditions where exposure to environmental factors is moderate and poses limited risk of injury. Ability to maintain emotional control under stress.

The City of Middletown is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the City will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.

Agenda Item 10-10

This item was moved to after the Sanitation Department appropriation request.

Agenda Item 10-11

Councilwoman Kasper reads and moves for approval agenda item 10-11, Section 214-40 Recreation activity fees; eligibility of the Code of Ordinances. Councilman Pessina seconds the motion.

Councilman Serra states we need to amend section 9 (A) and add City residents only. The Clerk states it was in the substituted ordinance which was made at the beginning of the meeting.

The Chair calls for the vote on the substituted ordinance. It is unanimous to approve with ten aye votes. The Chair states the matter passes with ten affirmative votes and two absent and not voting.

Ordinance No.
File Name
Description

(Approved)

86-10
sec214-40revised2.doc
Approving amending Section 214-40. Recreation activity fees; eligibility of Chapter 214 of the Middletown Code of Ordinances.

Be it ordained by the Common Council of the City of Middletown:
that 214-40 of the Middletown Code of Ordinances be amended to read as follows:

® 214-40. Recreation activity fees; eligibility. [Added 7-6-1993; amended 6-6-199; 3-18-1996; -7-000; -1-000; 3-8-001]

A. There shall be recreation activity fees to offset the costs associated with the operating of recreation programs and maintaining the parks and fields which are the responsibility of the Parks and Recreation Department. Recreational fees will be waived for senior citizens 60 years and older who are Middletown residents or nonresident Middletown taxpayers. Said fees will be reviewed and adjusted by the Common Council at its regular meeting in December.

- (1) Tennis
- (2) Golf
- (3) Crew
- (4) Aquacise
- (5) Exercise
- (6) Swimming lessons for Children
 - (a) First child
 - (b) Second child, same family
 - (c) Third child and any additional children
- (7) Youth recreational programs
 - (a) GoodTime
 - (b) KidTime
 - (c) PlayTime

- (d) GreatTime
- (e) FunTime
- (f) TeenTime
- (g) Sibling discount to attend summer youth recreational programs (7) (a) ó(f)
- (8) SummerTime
- (9) TotTime

(9a) Fee for allowing non-residents to attend summer youth recreational programs (7) (a) ó (f), (8), (9), registration start date May 15, no busing provided.

- (10) Safety Town (resident and nonresident)

(10a) TotTime / Safety Town same week combination fee ó residents only

- (11) Community Based Programs
- (12) Veterans Memorial Pool.
 - (a) Daily admission:
 - [1] Youth 3 to 17
 - [2] Adult 18 to 59
 - [3] Age 60 and over
 - (b) Seasonal family pass
 - (c) Seasonal individual pass
 - (d) Nonresident activity fees.
 - [1] Daily admission:
 - [a] Youth 3 to 17
 - [b] Adult 18 to 59
 - [c] Age 60 and over
 - [2] Seasonal family pass
 - [3] Seasonal individual pass
- (13) Reserved for Road races
- (14) [Ron McCutcheon car sticker] Reserved.
- (15) Adult Softball League
- (16) Sunday Power Volleyball League
- (17) Adult Basketball League
- (18) Adult Coed Drop-In Volleyball Program
- (19) Youth Hershey Track and Field Meet
- (20) Lydia Lundberg Poetry Contest
- (21) Prof Gallitto Youth Basketball
- (22) Senior Walking Program
- (23) Senior Boat Cruise
- (24) Youth art contests
- (25) For each team participating in a Parks and Recreation Department sponsored adult league: a team fee payable at the time of registration.
- (26) Replacement pass fee, for each participant who loses a Parks and Recreation Department pass.
- (27) Santa suit rental fee. Revenues collected will be deposited into the Christmas Workshop Grant Account.

(28) Adult Weightlifting.

- B. Eligibility.
 - (1) Unless otherwise indicated herein, recreation programs are for only those persons who reside in the City of Middletown, or are nonresident taxpayers of the City of Middletown, upon the payment of the respective amount herein set forth above. Participation shall be in accordance with the rules and regulations set forth by the Parks and Recreation Department. Adult league (softball, basketball, Sunday power volleyball) participants must obtain a photo ID in accordance with the rules and regulations of each league. Proof of residency shall be a valid driver's license or Motor Vehicle Department photo ID.

- (2) The term "nonresident taxpayer" is hereby defined for the purposes of this section to mean an individual owning real estate in the City of Middletown who receives a real estate tax bill and whose tax billings are not in arrears.
- (3) Nonresident taxpayers, their spouses and children are eligible for all programs. However, the City will not transport nonresident participants to programs. Proof of nonresident taxpayer status shall be a current tax receipt.
- (4) Those persons not registering and paying the appropriate fee will not be allowed to participate in these programs.
- (5) Nonresidents may participate in leagues (softball, basketball, and Sunday power volleyball) sponsored by the Parks and Recreation Department if they meet one of the following:

(a) A person who is attending college in Middletown on a full-time basis (12 credit semester hours). Proof: Must show a valid student ID or class registration receipt.

(b) A person who works in Middletown on a full-time basis for a local business, 32 hours per week, 52 weeks per year. Proof: Must show a valid pay stub with company name and address or have a letter from the company's personnel director.
- (6) Additionally, a team may have up to five nonresident players per softball team, three nonresident players per Sunday power volleyball team, and three nonresident players per adult basketball team, which nonresident players do not meet the criteria of Subsection B(5)(a) or (b) above.
- (7) Nonresident participant fees:

(a) Adult Softball League

(b) Sunday Power Volleyball League

(c) Adult Basketball League

(d) Swimming lessons for children (nonresident):

[1] First child

[2] Second child

[3] Third child and any additional children
- C. Program fee waivers for City of Middletown residents only.

(1) Fees for City funded recreational activities (Youth Day Programs) shall be waived by the Parks & Recreation Department for underprivileged children. Underprivileged children are defined as children whose families are receiving cash assistance from the State of Connecticut Temporary Assistance to Needy Families program. Parents or guardians must provide a copy of their declaration sheet.

(2) Parents or Guardians may apply to the State of Connecticut iCare Kidsi program and/or any state program for child care assistance funding that will work in communication with the Parks & Recreation Department. The Parks & Recreation Department will work with the State to collect these funds from the State for those that qualify.
- D. The Parks and Recreation Commission will determine whether any existing or new programs sponsored by the Parks and Recreation Department will be part of the annual recreation activity fee or subject to an individual fee.

Agenda Item

10-12

Councilwoman Kasper moves agenda item 10-12 for approval, Section 14-22.1 Children's arts programs fees. Councilman Pessina seconds the motion.

The Chair, seeing no discussion, calls for the vote. It is unanimous to approve with ten aye votes. The Chair states the matter passes with ten affirmative and no negative votes and two absent and not voting.

Ordinance No.

File Name

Description

(Approved)

87-10

Sec14-22.1

Approving amending Section 14-22.1 Children's art programs; fees of Chapter 14 of the Middletown Code of Ordinances.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That Sec. 14-22.1. Children's arts programs; fees. of Chapter 14 of the Middletown Code of Ordinances be amended to read as follows:

Sec. 14-22.1 Children's arts programs, fees.

- A. Children's arts programs shall be available to City residents on a first-come, first-served basis. Nonresidents may participate if there is space available after resident registration.
- B. There shall be children's arts activity fees to offset the costs associated with the operating of the children's arts programs. Said fees shall be in accordance with the following schedule:

(1) Standard rate per program session:

(a) First child: \$125.

(b) Second child: \$75.

- (c) Each additional child: \$50.
- (2) In cases of special need the standard fees may be reduced or waived as follows:
 - (a) Households receiving a State of Connecticut Cash Benefit, or which qualify for free school lunches under State of Connecticut guidelines: no cost. Parents or guardians must supply a copy of their CT Department of Social Services Budget Sheet (Food Stamp Financial Eligibility Sheet [FSFI] and/or Cash Assistance Financial Eligibility Sheet [CAFI]) or a copy of the Middletown Public Schools iFree or Reduced Price Meal form.
 - (b) Families receiving food stamps, or which qualify for reduced-rate school lunches under State of Connecticut guidelines: \$25 flat rate per household.
 - (c) Reduced rate: families with an income level exceeding the State of Connecticut's reduced lunch rate income guidelines by \$10,000 or less:
- [1] First child: \$50.
- [2] Each additional child: \$25.
- (d) The City will also take into consideration any special or extraordinary financial circumstances affecting an applicant's ability to pay when processing an application submitted under this section. The Middletown Commission on the Arts is authorized to reduce the rate for program participation in situations which it deems appropriate.
- (3) Nonresident rate: [Double the standard rate].
- (a) Double the First Child Standard Rate for each child enrolled.

Agenda Item 10-13

Councilman Serra reads and moves for approval agenda item 10-13; his motion is seconded by Councilman Pessina. There is no discussion indicated and the Chair calls for the vote. It is unanimous to approve with ten aye votes. The Chair states the matter passes with ten affirmative votes, none opposed and two members absent and not voting.

Resolution No.
File Name
Description

158-10
prrecreationactivityfees2010-2revised.doc
Approving the Park and Recreation Activity Fees with said fees remaining the same except for deleting the Ron McCutcheon Car Sticker, adding Adult Weightlifting fee of \$10 per quarter for residents and \$50 for nonresidents, and adding one fee for participants who register for Safety Town and Tot Time the same week.

(Approved)

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That the Council approve the changes as recommended by the Parks and Recreation Commission from their meeting on November 4, 2010 that all Recreation Activity Fees (sec. 214-40 of chapter 214) will remain the same except for the following:

- Deleting (14) Ron McCutcheon car sticker.
- Add Adult Weightlifting, \$10 per quarter for residents and \$50 per quarter non-residents.
- Add one fee for participants (participants are residents only) if they register the same week for Safety Town and Tot Time. The fee would be \$60 per participant.

BE IT FURTHER RESOLVED: That the Council approve the additional recommended changes of the Parks & Recreation Commission from its December 2nd meeting as follows:

A sibling discount will be offered to residents for the following programs in section 214-40 of Chapter 214 A. (7) (a) ó (f) first child \$59.00 all other children \$45.00.

BE IT FURTHER RESOLVED: That the Council approve that non-residents be allowed to register for Youth Programs at double the rate of City residents. This will include Section 214-40 of Chapter 214- A. (7) (a) - (f), with the fee for non residents set at \$118.00; 214-40 A. (8) Summertime at \$148.00; and 214-40 A. (9) Tot Time at \$84. Non óResidents will not be able to register for these programs until May 15th and bussing will not be available to non-residents.

Financial Impact

Weightlifting there will no financial impact because fees have been collected from the program to date. Ron McCutcheon car stickers there will be no financial impact. There were 320 (\$1 per sticker) stickers given out in the 2010 season (7 weeks) and the cost to have them printed was \$285.58. The one fee for Safety Town and Tot Time we anticipate an increase in revenue of approximately \$2100.00. With addition of sibling discounts we anticipate that families will register an additional child which will bring in additional revenue of approximately \$1,000 - \$2,000.00. Non-resident registration we anticipate additional revenue of approximately \$1,000.00 - \$2,000.00

Agenda Item 10-14

Councilwoman Kasper reads and moves for approval agenda item 10-14; her motion is seconded by Councilman Serra.

Councilman Pessina states you heard the Union president state this action will violate the collective bargaining agreement and he would like an opinion

from the Corporation Counsel about our exposure for liability if we move forward in approving this resolution.

Corporation Counsel William Howard states the question raised by the Chief was labor law and we look to the law and he can't pretend to do that and the language read is explicit and he recommends that it be directed to Labor Counsel. It does bring up a continuing problem of the Council directing the Mayor in administrative activities. It is directing the Mayor and if the Council has the need that the Mayor should do otherwise, but the word direct is offensive with respect to the Mayor's authority and leads to Charter problems. Councilman Loffredo states the resolution doesn't say that. It asks. Councilman Pessina thanks the Corporation Counsel. He urges the majority to look at it and table it and have it reviewed by the Labor Attorney before we do something and put ourselves in exposure. He served under three or four chiefs and this is nothing new. It was started by Chief Aylward in the 1980s and Chief Brymer and the previous Chiefs have utilized this language. It is experimental. The Mayor is the authorized official on instituting these experimental shifts and it is the key word and at any time if the Union body reneges and in this case starts to maybe utilize their sick time and overtime costs come up the Chief, this can be stopped without objection. It is a management right and if City and Union agree. I don't see the fuss because this was in the contract for several years and wasn't any problem and now it is.

Councilman Klattenberg states this has become a confusing labor issue and for those of us who don't know it, it is worse. I understand what Councilman Pessina is saying; we have to focus on experimental. The language presented by the Union president, it is in the contract. He proposes to table it to a date certain to January. He believes it can be done until then and then some of the questions can be presented in a more meaningful way. He suggests tabling to January. Councilman Pessina seconds the motion. The Chair states the motion is debatable.

Councilman Loffredo states you can always take things out of context. Six months ago, the Council had a resolution dealing with 4/2 schedule and it was not presented as experimental and it was related to the contract and dealing with sick leaves which the parties agreed upon specific language and we sent to arbitration. And the arbitrators said the parties mutually agreed specifically there would be no change to article 3 dealing which deals with hours of work. Unbeknownst to the Council we became aware after review by the Personnel Review Commission, that unbeknownst to us an MOU was entered into a few months after arbitration which said we could go and have negotiations of article 3 in exchange for prohibitive charges such as the right of the Union to have access to legal opinions to the Council about voting up or down on the contract. They made another claim of the violation of the ground rules. That was brought to us six months ago. We voted it down and sent it to arbitration. Now we are being told it is an experiment. This 4/2 schedule do other communities have it. The Chief says Bristol has it. So what is the experiment. What it does, it violates the will of the Council and the members of the Union obtain additional vacation time. Vacation time is spelled out in the contract. This gives you additional days off. It is very clear that under this proposal a 4/2 shift, there is a financial impact. According to Union and City Administration, there is no cost. You will work less time and be paid the same rate of pay. From my understanding on how that works, I am working less and getting paid more. The City is not getting an additional dime back for this benefit. There is no accounting for this benefit. When the City went to arbitration, it was a four year agreement and this is the last year and we set forth the rate of pay and the hours of work. It is clear we will pay you x dollars of five consecutive 8 hours a day or we agreed for 40 hours of work for your pay. The Union may argue there is a Miracle on Main Street, that they are creating more time. We are told there are not enough officers. There will be less patrol time, not more. When it came to our attention, this calls upon the Mayor and Chief to go back to the schedule and asks that you look for other ways in an advisory fashion. We have gone on record, we did not accept the negotiations and now we are reading this as experimental and I see this as a shell game. This was discussed in-depth and detail and it was not an experimental shift and it is operating in other communities so it is not experimental. He urges his colleagues to vote in favor of it.

Councilman Streeto states your honor I came here to vote against this resolution with due deference and had interest in the 4/2 shift and that has not changed, but in this instance I go further to the point Mr. Howard made that this body can pass advisory resolutions freely and can request your honor to do things. Tabling is definitely in order and it is in litigation. As a practicing attorney one of the most disconcerting things to have happen to you is a client making public statements when the case is in place.

Councilman Serra states conversely relative to what you are saying. It is being done. Councilman Streeto states we should not be doing it. Councilman Serra states it is being done and we are in arbitration. Both sides, there is something not right. Councilman Streeto states I don't think we should be doing it either because the matter is in arbitration. Councilman Serra states meaning not having the 4/2 schedule. Councilman Streeto states we should leave the matter in arbitration, but what is before this body is this resolution and frankly we should table it until Legal Counsel reviews it and provides opinion and guidance. We may be jeopardizing our position or amicable resolution to arbitration. Councilman Serra states by doing the experimental shift aren't we jeopardizing arbitration.

Move to Call the Question

Councilman Streeto moves to call the question and is seconded by Councilman Klattenberg. Councilman Bauer states that is out of order because people have not been heard yet. Councilman Klattenberg withdraws his second. The Chair states there is no longer a second to the motion to call the question.

Councilman Bauer states I am against the motion to postpone, table or refer. I would like this resolution to go away tonight. The Council had a seminal responsibility to approve the contract and there is a convoluted history and I would like to see resolution. There is nothing against putting another resolution at the next meeting. This has no substance and carries an opinion. The good news is this is a sense of the Council and has no weight and can't end up in Court. I suggest vote no against referring and vote it down tonight and if there is an issue, state it correctly or let the experiment take place. It is an experiment and legal and they will be judged just as we have on the contract. I am opposed to referring this anywhere.

Councilman Daley states that is what bothers him most about this situation is that the Council clearly was within its authority to reject the MOU that would have provided for implementation of this schedule and we did so and as a result it is in arbitration and this is compromising the City going forward with the experimental shift. It is compromising the City's position and that is appalling. It shows a total disregard for the Council and its fiscal responsibility and its authority. We have a memoranda from the Finance Director laying out the initial costs. Since then we have been told the rate of overtime will not change and I don't know how that can be for us to be under Fair Labor act. We have to pay time and half and it is prescribed how it is calculated. If it allows for an exemption, it may be. It seems to him and with all due respect there are valid reasons and the Chief explained the better balancing of the scheduling and none of us are opposed for a less stressful work environment for police officers, but if we are granting 17 days off extra a year, shouldn't the City be getting something. Now we find we are knocking the legs out from arbitration and we are not getting anything in return. This resolution expresses the sentiment of the Council and in all likelihood the experiment will proceed. I am curious about the status of the arbitration and the status of the City in arbitration and something just does not smell right. Whether it is postponed it won't change anything. It is shocking to me that you take a situation that is in arbitration and the Mayor has to represent the interest of the City and we knock the legs out from under it.

Councilman Faulkner states he agrees with Councilman Daley on those points and he points out that the holidays is not the time to be experimenting in the public safety arena and that should be kept in mind.

The Chair, seeing no further discussion on the motion to postpone to date certain, the January regular meeting, calls for the vote. It is five aye votes by Council Members Klattenberg, Pessina, Bibisi, Streeto, and Bauer; and five nay votes by Council Members Serra, Loffredo, Daley, Kasper, and Faulkner. The Chair states it doesn't serve to postpone this and exercises his prerogative to break the tie by voting nay. The Chair states the motion to postpone does not carry.

The Chair asks if there is any further discussion on this issue; hearing none, he calls for the vote. It is five aye votes by Council Members Serra, Loffredo, Daley, Kasper, and Faulkner and five nay votes by Council members Klattenberg, Pessina, Bibisi, Streeto, and Bauer. The Chair states he will not exercise his prerogative and not break the tie and the motion fails.

Resolution No.
File Name
Description

159-10
ccdirectmayornottoimplement4-2shifrevision.doc
Approving recommending the Mayor and Acting Chief of Police to not implement an "experimental" 4-2 schedule which was rejected by the Council at their July 8, 2010 meeting and to retain the patrol division 5-

2 schedule so as not to cause the expenditure of additional taxpayer money or decrease the police protection for Middletown citizens.

(MOTION FAILS)

WHEREAS, the Common Council of the City of Middletown voted to reject a 4-2 schedule Memorandum of Understanding (MOU) for police officers on July 8, 2010; and

WHEREAS, the 4-2 experimental schedule for police officers has been implemented by Mayor Sebastian N. Giuliano and Acting Police Chief Patrick McMahon for the patrol division effective December 13, 2010 for 18 weeks as allowed in the collective bargaining agreement. However, this contract provision is now being used as a work shift change for a defined period of time which is not consistent with the contractual approved experimental shift provision; and

WHEREAS, should this revised work schedule be maintained for a full year, the change of work shifts for the current fifty-five (55) Middletown police officers from 5 days on and 2 days off to 4 days on and 2 days off will result in a reduction of 17 days per officer per year or 935 man-days for all officers; and

WHEREAS, any reduction in police presence in the City of Middletown will result in either additional police overtime or replacement staffing to maintain current levels of police service or a reduction in staffing thereby a lowering of police availability to the taxpayers of the City; and

WHEREAS, the changes in this schedule can be interpreted to represent an increase in the officers hourly rate of pay because of the lower hours worked with no adjustment in salary.

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That the Common Council calls upon Mayor Sebastian N. Giuliano and Acting Chief of Police Patrick McMahon to return to the standard 5-2 police work schedule so as not to cause a reduction in police service to the residents of Middletown, potential future confusion regarding the proper rate of pay for officers when working overtime or as a replacement, and to avoid any unforeseen impact on the police budget at this time of fiscal strain on the City budget; and

BE IT FURTHER RESOLVED: That the Common Council asks that the Mayor and Acting Chief look for other ways of solving the personnel issues inherent in the 5/2 shift schedule and make additional recommendations for the Council to consider.

Motion to Recess

Councilman Loffredo asks for a two minute recess. Councilman Serra seconds the motion. The Chair states without objection and calls the recess at 10:47 p.m.

Meeting Reconvenes

The Chair reconvenes the meeting at 10:50 p.m.

Agenda Item 11
Description

Mayor’s Appointments

The Chair states he has appointments to announce and reads them.

Noted for the Record

Councilman Pessina leaves his seat at 10:51 p.m.

Councilman Serra moves them for approval and Councilman Streeto seconds the motion. The Chair states confirmation of the appointments has been moved and seconded and asks if there is any discussion; hearing none, he calls for the vote. It is unanimous to approve with nine aye votes. The Chair states the matters pass unanimously.

Inland/Wetlands and Water Courses Agency:

Appointment of Daniel Pelletier to fill a vacancy to October 31, 2012
Appointment of Robert Whitney to fill a vacancy to October 31, 2012

Middletown School Readiness Committee:

Appointment of Daria Keyes to replace Susan Macary
Appointment of Susan Sienkiewicz to replace Renata Lantos

Agenda Item 12
Description

Contingency Fund Transfers

The Chair states there are is one contingency fund transfer of \$1,000 into account 1000-27000-57030-0708 to help pay for some of the costs of the MHS XHS dinner/football.

Agenda Item 13
Description

Questions to Directors on Nonagenda Items

There are no questions to directors on nonagenda items.

Point of Personal Privilege

The Chair recognizes Councilman Loffredo for point of personal privilege. Councilman Loffredo states due to a recent action taken by HIS employer and on Friday December 3, the Board of Directors of the CEA voted to appoint him as Director of Government Relations and in light of this and the increase of his duties, he will resign from the Council at the conclusion of the January 3, 2011meeting. He wishes everyone well on their continued work. On January 5 the State legislature will begin and I will spend my time there.

The Chair states this Council is in shock. You have always been diligent and a good faith member of this body. Councilman Bauer asks if they can reject the letter.

Motion to Adjourn

Councilman Bauer moves to adjourn and his motion is seconded by Councilman Klattenberg. There is no discussion and the vote is called. It is unanimous to adjourn and the Chair declares it at 10:54 p.m.

ATTEST:

MARIE O. NORWOOD
Common Council Clerk